Washington, Tuesday, August 16, 1955

# TITLE 3—THE PRESIDENT EXECUTIVE ORDER 10629

AUTHORIZING ENLISTMENTS IN THE READY RESERVE OF THE ARMY RESERVE AND MARINE CORPS RESERVE

WHEREAS I have determined that the enlisted strength of the Ready Reserve of the Army Reserve and Marine Corps Reserve cannot be maintained at the level necessary for the national defense:

NOW THEREFORE, by virtue of the authority vested in me by subsection (a) of section 262 of the Armed Forces Reserve Act of 1952, as added by section 2 (i) of the Reserve Forces Act of 1955, approved August 9, 1955, I hereby authorize the acceptance of enlistments in units of the Ready Reserve of the Army Reserve and Marine Corps Reserve pursuant to the provisions of the said section 262 of the Armed Forces Reserve Act of 1952, as added as heretofore indicated, under such regulations as the Secretary of Defense shall prescribe.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
August 13, 1955.

[F. R. Doc. 55-6717; Filed, Aug. 15, 1955; 12:12 p. m.]

### **EXECUTIVE ORDER 10630**

CREATING AN EMERGENCY BOARD TO IN-VESTIGATE A DISPUTE BETWEEN THE NEW YORK CENTRAL SYSTEM, LINES EAST, AND CERTAIN OF ITS EMPLOYEES

WHEREAS a dispute exists between the New York Central System, Lines East, a carrier, and certain of its employees represented by the Order of Railway Conductors and Brakemen, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act; as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service:

NOW THEREFORE, by virtue of the authority vested in me by section 10 of

the Railway Labor Act, as amended (45 U.S. C. 160) I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said Board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

The board shall report its findings to the President with respect to the said dispute within thirty days from the date of this order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the board has made its report to the President, no change, except by agreement, shall be made by the New York Central System, Lines East, or by its employees, in the conditions out of which the sald dispute arose.

DWIGHT D. EISEIMOWER

THE WHITE HOUSE,
August 13, 1955.

[F. R. Doc. 55-6718; Filed, Aug. 15, 1955; 12:12 p. m.]

## TITLE 7-AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. C01, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as

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# CFR SUPPLEMENTS (For use during 1955)

The following Supplements are now

Title 32: Parts 400-699 (\$5.75) Parts 800-1099 (\$5.00) Part 1100 to end (\$4.50) Title 43 (Revised, 1954) (\$6.00)

Previously announced: Title 3, 1954 Supp. (\$1.75); Titles 4-5 (\$0.70); Title 6 (\$2.00); Title 7- Parts 1-209 (\$0.60); Parts 210-899 (\$2.50); Part 900 to end (\$2.25); Title 8 (\$0.45); Title 9 (\$0.65); Titles 10-13 (\$0.50); Title 14: Parts 1-399 (\$2.25); Part 400 to end (\$0.65); Title 15 (\$1.25); Title 16 (\$1.25); Title 17 (\$0.55); Title 18 (\$0.50); Title 19 (\$0.40); (\$0.55); Title 18 (\$0.50); Title 19 (\$0.40); Title 20 (\$0.75); Title 21 (\$1.75); Titles 22-23 (\$0.75); Title 24 (\$0.75); Title 25 (\$0.50); Title 26 (1954) (\$2.50); Title 26: Parts 1-79 (\$0.35); Parts 80-169 (\$0.50); Parts 170-182 (\$0.50); Parts 183-299 (\$0.30); Part 300 to end and Title 27 (\$1.25); Titles 28-29 (\$1.25); Titles 30-31 (\$1.25); Title 32: Parts 1200 (\$4.50). 1-399 (\$4.50); Parts 700-799 (\$3.75); Title 32A, Revised December 31, 1954 (\$1.50); Title 33 (\$1.50); Titles 35-37 (\$0.75); Title 38 (\$2.00); Title 39 (\$0.75); Titles 40-42 (\$0.50); Titles 44-45 (\$0.75); Title 46: Parts 1-145 (\$0.40); Part 146 to end (\$1.25); Titles 47—48 (\$1.25); Title 49: Parts 1—70 (\$0.60); Parts 71—90 (\$0.75); Parts 91—164 (\$0.50); Part 165 to end (\$0.60); Title 50 (\$0.55)

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heremafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public-rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the Federal Register (60 Stat. 237. 5 U.S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

(b) Order as amended. The provisions in paragraph (b) (1) (ii) of § 953.708. (Lemon Regulation 601, 20 F R. 5675) are hereby amended to read as follows:

(ii) District 2: 550 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: August 11, 1955.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural
Marketing Service,

[F. R. Doc. 55-6669; Filed, Aug. 15, 1955; 8:54 a. m.]

[Lemon Reg. 602]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATIONS OF SHIPMENTS

§ 953.709 Lemon Regulation 602—(a) Findings. (1) Pursuant to the market-

ing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order: the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on August 10, 1955, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) Order (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 14, 1955, and ending at 12:01 a. m., P. s. t., August 21, 1955, is hereby fixed as follows:

(i) District 1. Unlimited movement; (ii) District 2: 400 carloads;

(iii) District 3: Unlimited movement.
 (2) As used in this section, "handled," "carloads," "District 1," "District 2," and "District 3" shall have the same meaning

as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S. C. 6030)

Dated: August 11, 1955.

ISEAL] G. R. GEANGE,
Acting Director, Fruit and Vegetable Division, Agricultural
Marketing Service.

[F. R. Dec. 55-6670; Filed, Aug. 12, 1955; 8:57 a. m.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

APPROVAL OF EXPENSES AND RATE OF

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 93 and Order No. 57, as amended (7 CFR Part 957) regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, was published in the Federal Register July 22, 1955 (20 F. R. 5269). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, it is hereby found and determined that:

§ 957.208 Expenses and rate of assessment. (a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, as amended, during the fiscal year ending May 31, 1956, will amount to \$24,222.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, shall be fifty cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal year.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 93 and Order No. 57, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 603s)

Done at Washington, D. C., this 11th day of August 1955 to become effective 30 days after publication in the Federal Register.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Dec. 55-6645; Filed, Aug. 15, 1955; 8:50 a.m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53869]

INVOICE REQUIREMENTS AND EXEMPTIONS

To further simplify customs documentary practices, the requirement for consular certification of invoices on foreign service Form 138 (Invoice of Merchandise) is hereby abolished.

Foreign service Form 138 (Invoice of Merchandise) is to be replaced by a "Special Customs Invoice" form or forms. It is not expected that the new customs forms can be prepared, printed, and distributed, and the procedures set up for their use, for some time. To maintain orderly practices during the transition, foreign service Form 138 will be used as the "Special Customs Invoice" form for the shipments requiring a "Special Customs Invoice," but invoices on that form will not be certified.

The pertinent customs regulations are amended as follows to harmonize with the discontinuance of the certification of customs invoices.

PART 7—CUSTOMS RELATIONS WITH IN-SULAR POSSESSIONS AND GUANTANAMO BAY NAVAL STATION

Section 7.8 (e) is amended as follows:

(e) A special customs invoice shall be required in connection with each shipment of dutiable merchandise valued over \$500 unless the shipment would have been exempt from the requirement of a special customs invoice under § 8.15 of this chapter if it had been imported from a foreign country, or when the shipment is covered by a certificate of origin provided for in paragraph (a) of this section.

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624. Interprets or applies sec. 484, 46 Stat. 722, as amended; 19 U. S. C. 1484)

# PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

1. Section 8.10 is deleted.

2. Section 8.11 is amended by substituting "special customs" for "certified" in paragraph (a) by substituting "special customs or commercial" for "certified or commercial" in the first and fourth sentences of paragraph (b) by substituting "special customs" for "certified" in the parentheses in the form of extract in paragraph (b) and by substituting "special customs" for "certified" in paragraph (c)

3. Section 8.13 is amended by substituting "special customs" for "certifled" whenever the latter appears in paragraphs (a) (b) (c) and (h) and by transferring the citation of authority from the end of paragraph (k) to the end of paragraph (j) and deleting the remainder of paragraph (k)

4. Section 8.14 and footnotes 16 and

17 appended thereto are deleted.

5. Section 8.15 is amended by substituting "Special Customs" for "Certified" in the headnote and by substituting "special customs" for "certified" whenever the latter appears in the body.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interpret or apply sec. 484, 46 Stat. 722, as amended; 19 U. S. C. 1484)

### PART 9-IMPORTATIONS BY MAIL

Section 9.1 (b) is amended by deleting "as to consular certification" in the first sentence and by substituting "special customs" for "certified" in the second sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies sec. 484, 46 Stat. 722, as amended; 19 U. S. C. 1494)

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

- 1. Section 10.1 is amended by deleting the second sentence of paragraph (a) (1)
- 2. Section 10.2 is amended by deleting the second and third sentences of paragraph (a)
- 3. Section 10.90 (e) is amended by deleting the second sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interpret or apply sec. 484, 46 Stat. 722, as amended; 19 U. S. C. 1484)

# PART 12—SPECIAL CLASSES OF MERCHANDISE

Section 12.33 is amended by substituting "special customs" for "certified" in paragraph (e)

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies sec. 484, 46 Stat. 722, as amended; 19 U. S. C. 1484)

### PART 16-LIQUIDATION OF DUTIES

Section 16.23 is amended by substituting "Special customs" for "Certified" in the second sentence of paragraph (b) (R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies sec. 484, 46 Stat. 722, as amended; 19 U. S. C. 1484)

### PART 25—CUSTOMS BONDS

Section 25.17 is amended by substituting "special customs" for "certified" in paragraphs (a) and (b).

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies sec. 484, 46 Stat. 722, as amended; 19 U. S. C. 1484)

Supplies of Form 138 may be obtained in the same manner as heretofore. When supplies of the new "Special Customs Invoice" form are available, appropriate notice will be given.

A notice of proposed rule making was published in the Federal Register of April 27, 1955 (20 F R. 2799) After full consideration of the data and views submitted, the above regulations have been adopted. These regulations will become effective on October 1, 1955.

[SEAL] RALPH KELLY,

Commissioner of Customs.

Approved: August 3, 1955.

H. CHAPMAN ROSE.

Acting Secretary of the Treasury.

[F. R. Doc. 55-6659; Filed, Aug. 15, 1955; 8:52 a. m.]

## TITLE 22—FOREIGN RELATIONS

## Chapter V—United States Information Agency

PART 511—FEDERAL TORT CLAIMS
PROCEDURE

Sec. 511.1 General.

511.2 Time limit for filing.

511.3 Time limit for submission of additional data.

AUTHORITY: §§ 511.1 to 511.3 issued under R. S. 161; 5 U. S. C. 22.

§ 511.1 General. This part concerns claims arising in the continental United States, its territories and possessions, which are filed pursuant to the Federal Tort Claims Act (28 U. S. C. 2671 et seq)

§ 511.2 Time limit for filing. Claimants must file with the Agency a written demand for payment within 18 months after the right of claim accrues.

§ 511.3 Time limit for submission of additional data. Claimants must make reasonable and substantial compliance within 60 days of any Agency request for additional data, or the completion and submission of required forms.

Issued: August 10, 1955.

ABBOTT WASHBURN, Acting Director

[F. R. Doc. 55-6644; Filed, Aug. 15, 1955; 8:50 a. m.]

### TITLE 29—LABOR

# Chapter I—National Labor Relations Board

PART 101-STATEMENT OF PROCEDURE

PART 102—Rules and Regulations, Series 6

By virtue of the authority vested in it by the National Labor Relations Act, 49 Stat. 452, approved July 5, 1935, as amended by the Labor Management Relations Act, 1947, Public Law 101, Eightieth Congress, first session, the National Labor Relations Board hereby issues the following further amendments by adding § 101.15a to Statement of Procedure, and by adding §§ 102.51a to 102.51h to its rules and regulations, Series 6, as amended, which it finds necessary to carry out the provisions of said act.

National Labor Relations Board Statements of Procedure and Rules and Regulations, Series 6, as amended, and as hereby further amended, shall be in force and effect until further amended, or rescinded by the Board.

Dated: Washington, D. C., August 9, 1955.

By direction of the Board.

FRANK M. KLEILER, Executive Secretary.

1. Part 101, Statement of Procedure, is amended by adding § 101.15a as follows:

§ 101.15a Back pay proceeding. After a Board order directing the payment of back pay has been enforced by a court order, the regional office computes the amount of back pay due each employee.

If informal efforts to dispose of the matter prove unsuccessful, the regional director is then authorized to issue a "back pay specification" in the name of the Board, which is served on the parties involved. The specification sets forth the computations showing how the regional director arrived at the net back pay due each employee. The respondent must file an answer within 15 days of the receipt of the specification, setting forth a particularized statement of its defense. If, after service of the specification and answer, the controversy still cannot be resolved informally, the regional director issues and serves a notice of hearing before a Board trial examiner or moves for the entry of an appropriate order. The procedure before the trial examiner or the Board is substantially the same as that described in §§ 101.10 to 101.15 inclusive.

(Sec. 6, 49 Stat. 452, as amended; 29 U. S. C. **156**)

2. Part 102 is amended by adding a new centerhead, and §§ 102.51a to 102.51h as follows:

#### BACK PAY PROCEEDINGS

Sec. 102.51a Initiation of proceedings. Contents of back pay specifications. 102.51b Answer to back pay specification. Extension of time for filing. 102.51c 102.51d. 102.51e Notice of hearing; extension.

102.51f Amendment. Withdrawal.

102.51g 102.51h Hearing; post-hearing procedure.

AUTHORITY: \$§ 102.51a to 102.51h issued under sec. 6, 49 stat. 452, as amended; 29 U.S.C. 156.

#### BACK PAY PROCEEDINGS

§ 102.51a Initiation of proceedings. After the entry of a court decree enforcmg an order of the Board directing the payment of back pay, if it appears to the Regional Director that there has arisen a controversy between the Board and a respondent concerning the amount of back pay due which cannot be resolved without a formal proceeding, the Regional Director shall issue and cause to be served upon the respondent a back pay specification in the name of the

§ 102.51b Contents of back pay spec-ifications. The specification shall specifically and in detail show the back pay periods for each employee broken down by calendar quarters, the specific figures and basis of computation as to gross back pay and interim earnings and expenses for each quarter, the net back pay due each employee, and any other pertinent information.

§ 102.51c Answer to back pay specification—(a) Filing and service of answer The respondent shall, within 15 days from the service of the specification, file an answer thereto; an original and four copies shall be filed with the Regional Director issuing the specification, and a copy thereof shall immediately be served on any other respondent jointly liable.

(b) Contents of the answer. The answer shall be in writing, the original being signed and sworn to by the respondent or by a duly authorized agent with appropriate power of attorney

affixed, and shall contain the post office address of the respondent. The respondent shall specifically admit, deny, or explain each and every allegation of the specification, unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. Denials shall fairly meet the substance of the allegations denied. When a respondent intends to deny only a part of an allegation, the respondent shall specify so much of it as is true and shall deny only the remainder. As to all matters within the knowledge of the respondent, including but not limited to the various factors entering into the computation of gross back pay, a general denial shall not suffice. As to such matters, if the respondent disputes either the accuracy of the figures in the specification or the premises on which they are based, he shall specifically state the basis for his disagreement, setting forth in detail his position as to the applicable premises and furnishing the appropriate supporting figures.

(c) Effect of failure to answer or to plead specifically and in detail. If the respondent fails to file any answer within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without notice to the respondent, find the specification to be true and enter such order as may be appropriate. If the respondent files and answer but fails to deny any allegation of the specification in the manner required by subparagraph (b) of this section, and the failure so to deny is not adequately explained, such allegation shall be deemed to be admitted to be true, and may be so found by the Board without the taking of evidence supporting such allegation, and the respondent shall be precluded from introducing any evidence controverting said allegation.

§ 102.51d Extension of time for filing. Upon his own motion or upon proper cause shown by any respondent, the Regional Director issuing the specification may by written order extend the time within which the answer shall be

§ 102.51e Notice of hearing; extension. If, after the filing of the answer the controversy still cannot be resolved informally, the Regional Director shall issue a notice of hearing before a trial examiner at a place therein fixed and at a time not less than 10 days after the service of the notice of hearing. Upon his own motion or upon proper cause shown, the Regional Director issuing the specification may extend the date of such hearing.

§ 102.51f Amendment. The specification and the answer may be amended at any time prior to the issuance of notice of hearing. After the issuance of the notice of hearing, the specification and the answer may be amended upon leave of a trial examiner or the Board, as the case may be, good cause therefor appearing.

§ 102.51g Withdrawal. Any such specification may be withdrawn before the hearing by the Regional Director on his own motion.

§ 102.51h Hearing; post-hearing procedure. After the issuance of a notice of hearing, the procedures provided in §§ 102.24 to 102.51 inclusive shall be followed insofar as applicable.

[P. R. Doc. 55-6587; Filed, Aug. 15, 1955; 8:45 a. m.]

# TITLE 32—NATIONAL DEFENSE

## Chapter VII—Department of the Air Force

Subchapter A-Aid of Civil Authorities and **Public Relations** 

PART 808—COMPETITION WITH CIVILIAN BANDS

USE OF AIR FORCE BANDS

In Part 808 the note referrng to Part 508 is hereby revoked and the material in Chapter VII, Department of the Air Force, 13 F. R. 8751, pertaining to applicability of certain portions of Army Regulations to the Department of the Air Force is amended by revoking the reference of Chapter VII, Part 808, Department of the Air Force to Chapter V. Part 503, Department of the Army and substituting therefor Part 808, as follows:

803.1 Use of Air Force bands. 803.2 Responsibilities.

£08.3 Instructions.

Clearance.

AUTHORITY: \$\$ 203.1 to 203.4 issued under 5 U. S. C. 22, 171a. Interpret or apply 35 Stat. 110, 10 U. S. C. 905; 39 Stat. 183, 10 U. S. C. 603; 61 Stat. 502, 503, 5 U. S. C. 623,

DERIVATION: AFR 190-21, June 13, 1955.

§ 808.1 Use of Air Force bands—(a) Statutory limitations. The use, employment, or assignment of Air Force bands off military reservations are governed by the following statutes:

(1) U. S. Code, Title 10, sec. 905: "Army bands or members thereof shall not receive remuneration for furnishing music outside the limits of military posts when the furnishing of such music places them in competition with local civilian musicians."

(2) U. S. Code, Title 10, sec. 609: "No enlisted man in the active service of the United States in the Army, whether a noncommissioned officer, musician, or private, shall be detailed, ordered, or permitted to leave his post to engage in any pursuit, business, or performance in civil life, for emolument, hire, or otherwise, when the same shall interfere with the customary employment and regular engagement of local civilians in the respective arts, trades or professions."

(b) Applicability. The provisions of the foregoing statutes are applicable to the Air Force under sections 207 and 305. National Security Act of 1947 (61 Stat. 502, 503; 5 U.S. C. 626, 1711).

§ 808.2 Responsibilities. Installation commanders are responsible for determining whether the use of an Air Force band at a public gathering is in conflict with the provisions of the statutes quoted in § 808.1 (a) and for enforcing instructions governing the use of Air Force bands.

- § 808.3 Instructions. Subject to the laws quoted in § 808.1 (a) prohibiting competition with civilians, the following are some examples of occasions when Air Force bands may be used:
- (a) Whenever or wherever they function as a part of or in conjunction with other type elements or components of United States military forces. The music may be broadcast or telecast with the other features of the program.
- (b) For all uses on military and naval installations or vessels, and other places or circumstances when on duty with military forces.
- (c) When music is a part of official occasions that superior officers of the Government and/or the Department of the Air Force, Army, and Navy attend in their official capacities and in performance of their official duties. Music may be broadcast or telecast with the other features of the program. Such occasions do not include social occasions and entertainments, such as dinners and luncheons given by civilians or civic associations these officers attend as guests.
- (d) Broadcasts and telecasts of concerts, when such programs are not for commercial purposes and originate on military or naval reservations or vessels.
- (e) Broadcasts and telecasts originating on or off a military or naval reservation or vessel, when such programs are:
- (1) Not for commercial purposes, and (2) For purely recruiting drives or to present to the public certain matters the Air Force considers important enough to require radio or television dissemination.
- (f) Musical programs at any United States Government hospital for the entertainment of patients.
- (g) Concerts in the Capitol grounds, Government buildings, and public parks of the city of Washington, D. C.
- (h) Free social and entertainment activities conducted exclusively for the benefit of enlisted personnel and their guests in service clubs and social centers maintained for the use of enlisted personnel on active duty.
- (i) Official occasions and free social and entertainment activities held on military installations, if such activities are conducted exclusively for the benefit of military personnel on active duty and their guests.
- (j) Parades and ceremonies incident to patriotic occasions, or gatherings of personnel of the Armed Forces, veterans, or patriotic organizations.
- (k) Fund drives for officially recognized Armed Forces relief or charitable organizations, and for civilian charitable organizations such as the National Red Cross, when the benefits are donated to these agencies.

Note: Fund drives of a local party, sect, or similar group, whether for charitable or other purposes, are not considered appropriate occasions for the use of Air Force bands.

- (1) Athletic contests in which one or more Armed Forces teams are participating.
- (m) In connection with purely recruiting activities for the Armed Forces.

§ 808.4 Clearance. Commanders will not obtain clearance for performance of any Air Force band from the American Federation of Musicians or any other union, directly, through the community sponsoring agency, or otherwise.

[SEAL] ERNEST L. WALTERS,

Colonel, U. S. Air Force,

Acting Air Adjutant General.

[F. R. Doc. 55-6629; Filed, Aug. 15, 1955; 8:46 a. m.]

### Subchapter G-Personnel

PART 882—DISCHARGE OR RELEASE FROM ACTIVE DUTY

SEPARATION FOR CONVENIENCE OF THE GOVERNMENT

In Part 882 new §§ 882.30 to 882.33 are added as follows:

Sec.

882.30 Purpose.

882.31 Authority.

882.32 Delegation of authority.

882.33 Release from active military service or discharge.

AUTHORITY: \$\$ 882.30 to 882.33 issued under R. S. 161; 5 U. S. C. 22.

DERIVATION: AFR 39-14, May 18, 1955.

§ 882.30 Purpose. Sections 882.30 to 882.33 outline the conditions and constitutes the authority for the discharge or release from active military service for the convenience of the Government of enlisted personnel of all components of the Air Force.

§ 882.31 Authority. The Secretary of the Air Force may direct the separation of any airman prior to expiration of term of service. This section may be cited as authority for separation only by Headquarters USAF either in an individual case or in a directive applicable to all members of a class of personnel specified in the directive.

§ 882.32 Delegation of authority. Authority to order discharge or release from active military service of airmen for the convenience of the Government within the following provisions is hereby delegated to the commanders authorized by pertinent regulations to direct discharge prior to expiration of term of service:

- (a) To accept an appointment (as officer or warrant officer) in any of the Armed Forces of the United States or to accept appointment and entrance in any of the service academies: Prior to such discharge, the discharging authority will be in possession of documentary evidence from the proper authority stating that the airman is acceptable, will be appointed, and will be called to active military service or enter the service academy immediately if discharged. To avoid dual status of personnel, discharge will be effective the day next preceding airman's acceptance of such appointment.
- (b) To permit immediate reenlistment in the Regular Air Force for 4 years or more for male and 3 years or more for female airmen who apply for and are qualified for such reenlistment:
  - (1) For the purpose of:

- (i) Meeting length of service requirements for attendance at service schools, (ii) Meeting service retainability to insure completion of the normal foreign service tour, for the area of oversea assignment.
- (iii) Assignment to duty with Air National Guard, Air Force ROTC, Air Force Reserve, and recruiting duty when the amount of service remaining in current enlistment is less than 12 months.
- (iv) Meeting length of service requirement of airmen selected for assignment to United States military missions to accomplish travel, to and from place of assignment, complete tour with the mission, and return to the United States in time to complete separation processing by the expiration date of enlistment.
- (v) Meeting service requirements for final semester temporary duty under Operation Bootstrap (an off-duty education program of encouragement and assistance for Air Force personnel.) Discharge and reenlistment of this category of airmen will be accomplished prior to departure from home station.

(2) At any time for the purpose of immediate reenlistment to fill own vacancy of Regular Air Force airmen and Reserves of the Air Force when the criteria in the following formula has been met:

Required service before eligible for discharge

Length of current active duty contract:	and reenlistment (months)
2 years	
3 ,years	18
4 years	
5 years	
6 years	
Indefinite	48

Airmen reenlisting under this paragraph should be fully aware that mustering-out pay, travel pay, and payment for accrued leave are deferred until completion of the new service contract.

(c) For an airman assigned to a unit scheduled for PCS (permanent change of station) movement when he will have not more than 90 days remaining prior to expiration of his normal enlistment or obligated period of active military service in case of Reserve Force airman including time lost to be made good, of the date of the unit movement, provided that:

- (1) The airman can be separated not earlier than 90 days prior to his normal date of separation.
- (2) The airman desires early release and does not intend to reenlist.
- (3) The airman cannot be properly utilized as a result of the unit transfer.
- (4) Transfer with the unit would not be considered economical.
- (5) Retention for completion of enlistment is not considered to be in the best interests of the Air Force by the unit commander.
- (d) For an airman eliminated from aviation cadet training who enlisted specifically for such training and entered training under an Air National Guard quota and whose separation upon elimination was guaranteed by the statement outlined in paragraph 43, AFM 35-7, attached to AF Form 56, "United States Air Force Application for Officer Training," when requested by the airman.

- (e) Based upon the airman's importance to national health, safety, or interest when an activity essential to national health, safety, or interest recommends or requests the separation of an airman; the airman is to occupy a position requiring special qualifications or training not possessed by any available replacement; and the airman requests separation or acquiesces in the employer's request for his separation.
- (f) To accept public office and perform the duties of:
- (1) The Governor of a State, Territory, or Possession, or other official chosen by the voters of an entire State, Territory, or Possession.
- (2) A member of one of the legislative bodies of the United States or of a State, Territory, or Possession.
- (3) Judge of a court of record of the United States or of a State, Territory, or Possession, or the District of Columbia.
- (g) Upon completion of 2 years' service of an airman who enlisted as a fully qualified aviation cadet applicant for a period in excess of 2 years and was elimmated from training because of factors over which he did not have control, if the airman requests separation at the time of elimination.
- (h) Upon elimination of an airman from aviation cadet or officer candidate training who enlisted specifically for such training and who can furnish documentary evidence that, at the time of his enlistment, he had previously served in the active military service for a period of 6 months or more and was honorably discharged therefrom, if the airman requests separation. However, if upon elimination from aviation cadet or officer candidate training such an airman elects not to exercise his option of separation and requests retention in service to complete the enlistment, he may not later request separation under this section.
- (i) To attend accredited medical or dental school when an airman has completed undergraduate training. Separation will be effected not earlier than 30 days prior to starting date of class for which applicant has been selected, provided that such airman has:
- (1) Completed a minimum of 2 years' active military service during current enlistment.
- (2) A letter of acceptance from an accredited medical or dental institution to a specific class.
- (3) A recorded receipt of payment of entrance fee.
- (j) To enter or return to a college, university, or equivalent educational institution when his services are not essential to the mission of his assigned organization. Separation will be effected not earlier than 10 days prior to the required registration date provided that such airman:
- (1) Can produce evidence of unconditional acceptance by the school.
- (2) Has a recorded receipt of payment of entrance fee.
- \_ (3) Has not more than 90 days remaining prior to expiration of his normal enlistment or obligated period of active military service in case of a Reserve Force airman, including time lost to be made good.

- an airman has not more than 90 days remaining prior to expiration of his normal enlistment or obligated period of active duty in the case of a Reserve Force airman, including time lost to be made
- good, provided that:
  (1) Airman signs a statement, at his oversea station, that he does not intend to reenlist.
- (2) Airman is separated at the appropriate Personnel Processing Group or other specifically designated unit.
- § 882.33 Release from active military service or discharge. Airmen separated under §§ 882.30 to 882.33 will be either released from active military service or discharged in accordance with the following:
- (a) Release from active military serv-Airmen who have Reserve and/or service obligations under the Universal Military Training and Service Act (62 Stat. 604, 50 U.S. C. app. 451-473) (see §§ 864.31 to 864.43 of this chapter) will be released from active military service and transferred to the Air Force Reserve for completion of their obligations. Members of Reserve components who have a portion of their enlistment contract and/or obligation yet to fulfill will be released from active military service and assigned to a unit of the appropriate Reserve component.
- (b) Discharge. Airmen who have no remaining Reserve and/or service obligations under the Universal Military Training and Service Act, or unexpired enlistment as a Reserve of the Air Force. and all airmen who are discharged for the purpose of continuing in the service in the same or another status, as provided in paragraphs (a), (b) and (c) of § 882.32 will be discharged. Unless otherwise directed by the Secretary of the Air Force, an honorable discharge (DD Form 256AF) or general discharge (DD Form 257AF) will be given.

ERNEST L. WALTERS, Colonel, U. S. Air Force, Acting Air Adjutant General.

[F. R. Doc. 55-6628; Filed, Aug. 15, 1055; 8:45 a. m.]

# TITLE 32A—NATIONAL DEFENSE, APPENDIX

## Chapter XIV—General Services Administration

[Revision 3, Amdt. 4]

REG. 7-MICA REGULATION: PURCHASE PROGRAMS FOR DOMESTIC MICA

PRICES AND PAYMENT

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), this regulation, as revised and amended, is hereby further amended as follows:

In section 5, add immediately after step (ix) of subparagraph (2) of paragraph (e) the following:

Notwithstanding any other provision of this subparagraph (2), neither the preliminary payment, as determined in step (i) above, nor the aggregate of the payments by the Government under this subparagraph (2) shall exceed the prod-

(k) Upon return from overseas when uct of \$600 times the actual number of short tons of ruby hand-cobbed mica delivered to and accepted by the Government hereunder on and after August 16, 1955, nor more than the product of \$540 times the actual number of short tons of nonruby hand-cobbed mica delivered to and accepted by the Government hereunder on and after August 16, 1955, whichever is applicable: Provided, however That the provisions of this sentence shall not be applicable with respect to hand-cobbed mica delivered prior to September 15, 1955, by any participant pursuant to supplemental arrangements made between such participant and the Government.

(3) For the period September 15, 1955, through December 14, 1955, in lieu of the methods of payment provided for under subparagraphs (1) and (2) of this paragraph (e), payment for each lot of ruby and nonruby hand-cobbed mica, delivered to and accepted by the Government hereunder on and after September 15. 1955, may be effected, if the participant so elects at the time of such acceptance, in accordance with the method of payment and the prices provided for in section 4 (e) hereof for the actual yield of ruby and nonruby block and film mica of good stained or better, stained, and heavy stained quality derived from such lot, less a deduction of \$1.45 per pound of such actual yield to apply against the costs of rifting and trimming. The payments provided for herein shall be effected in the following manner:

(i) At the time of the Government acceptance provided for in paragraph (c) of this section, the Government shall estimate (I) the yield in pounds each of ruby and nonruby block and film mica of good stained or better, stained, and heavy stained quality in each such lot, and the grades thereof, and (II) whether or not such estimated yield contains at least eighteen percent (18%) good stained or better quality mica, and shall compute the dollar and cents value of such estimated yield by means of the Price Schedule appearing in section 4 of this regulation, adjusted downward as provided in paragraph (e) (2) of said section 4 if the lot is estimated to produce a yield of less than eighteen percent (18%) of good stained or better quality mica. Promptly after such Government acceptance, the Government will make a preliminary payment based on the above estimated dollar and cents value, less a deduction to apply against the cost of rifting and trimming calculated by multiplying the total number of pounds of estimated yield by \$1.45.

(ii) Each lot of ruby and nonruby hand-cobbed mica shall be processed by the Government and the actual yield of block and film mica of good stained or better, stained, and heavy stained quality shall be determined by the Government.

(iii) Calculate the dollar and cents value of the total actual yield in pounds of block and film mica of good stamed or better, stained, and heavy stained quality, as determined in step (ii) above, by means of the Price Schedule appearing in section 4 of this regulation, adjusted downward as provided in paragraph (e) (2) of said section 4 if the lot has produced a yield of less than eighteen

percent (18%) of good stained or better

quality mica.

(iv) Deduct from the dollar and cents value, as calculated in step (iii) above, to apply against the cost of rifting and trimming, an amount calculated by multiplying the total actual yield in pounds, as determined in step (ii) above, by \$1.45 to determine the actual net value of deliveries under this subparagraph (3) The Government shall pay not to exceed such actual net value for such deliveries. Hence, if the actual net value exceeds the preliminary payment, as determined in step (i) above, the amount of the excess shall be paid to the participant; and if the actual net value is less than said preliminary payment, the amount of the overpayment shall be paid by the participant to the Government.

(4) Regardless of which particular method provided herein is used in computing the amount to be paid for any lot of hand-cobbed mica delivered to or accepted by the Government hereunder, such payment is for the entire lot and such entire lot shall become the property of the Government.

(Secs. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154. Interprets or applies sec. 303, 64 Stat. 801, as amended, 67 Stat. 417; 50 U.S. C. App. and Sup. 2093)

All other provisions of this regulation shall remain in full force and effect.

This amendment is effective immediately.

Dated: August 12, 1955.

EDMUND F. MANSURE, Administrator.

[F. R. Doc. 55-6639; Filed, Aug. 15, 1955; 10:56 a. m.]

# TITLE 33—NAVIGATION AND **NAVIGABLE WATERS**

Chapter II—Corps of Engineers, Department of the Army

Part 203—Bridge Regulations

MISCELLANEOUS AMENDMENTS

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U.S. C. 499) § 203.560 governing the operation of drawbridges across the Mississippi River and tributaries, where constant attendance of draw tenders is not required is hereby amended to include certain drawbridges across the Arkansas, Black, Current, and Little Rivers, Arkansas, adding paragraph (f) (5-b), (22-a) and (26) and revising paragraph (f) (16) and (18-b), as follows:

§ 203.560 Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required. \* \* \*

(f) Lower Mississippi River. \* \* \* (5-b) Little River, Ark., St. Louis-San Francisco Railway Company bridge near Redbluff. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e) inclusive, of this section shall not apply to this bridge.

(16) Arkansas River, Ark., Missouri Pacific Lanes drawbridge at Yancopin. During normal river stages at least 24 hours' advance notice required except between midnight Friday and midnight Sunday when at least 48 hours' advance notice is required. Notice to be given to the Missouri Pacific Lines Dispatcher, Wynn, Arkansas. During high water periods when so directed by the District Engineer, Corps of Engineers, a draw tender shall be in constant attendance and the bridge shall be operated in accordance with regulations contained in § 203.555.

(18–b) Arkansas River, Ark., Arkansas Highway Department and St. Louis-San Francisco Railway Company bridges at Van Buren. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e) inclusive, of this section shall not apply to these bridges.

(22-a) Black River, Ark., St. Louis-San Francisco Railway Company bridges at Black Rock and Pocahontas. The draws need not be opened for the passage of vessels, and paragraphs (b) to (e) inclusive, of this section shall not apply to these bridges.

(26) Current River, Ark.; St. Louis-San Francisco Railway Company bridge at Biggers. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e) inclusive, of this section shall not apply to this bridge. . \*

[Regs., 25 July 1955 and 28 July 1955, 823.01—ENGWO] (Sec. 5, 28 Stat. 362; 33 D. S. C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.740 is hereby amended by the addition to paragraph (b) of a clause providing that the Oregon State High-way bridge across Youngs Bay at the Foot of Fifth Street, Astoria, Oregon, shall not be required to open for vessels habitually using the waterway carrying appurtenances unessential for navigation which extend above the normal superstructure, as follows:

§ 203.740 Youngs Bay, Walluski River, Lewis and Clark River Skipanon River John Day River, Blind Slough, and Clatskanie Creek, Oregon, bridges. \* \* \*

(b) The bridges listed in paragraph (a) of this section shall be opened for the passage of vessels or watercraft of any kind upon prescribed signals being given on any form of whistle, horn, siren or trumpet, or upon verbal request of the person in charge of such vessel or watercraft except that the draw of the highway bridge across Youngs Bay at the foot of Fifth Street, Astona, Oregon, shall not be required to open for vessels habitually using the waterway carrying appurtenances unessential for navigation which extend above the normal superstructure, unless such vessel has in tow a vessel which is unable to pass under the closed draw. Military masts shall be considered as a part of the superstructure.

NOTE: On request, the District Engineer, Corps of Engineers in charge of the waterway, will cause an inspection to be made of the superstructure and appurtenances of a vessel habitually frequenting the waterway with a view to adjusting any differences of opinion in this matter between the vessel and the bridge owner.

[Regs., 19 July 1955, 823.01 (Youngs Bay, Oreg.)-ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

John A. Klein, Major General, U.S. Army, [SEAL] The Adjutant General.

[F. R. Doc. 55-6630; Filed, Aug. 15, 1955; 8;46 a. m.]

# TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I-Bureau of Land Management, Department of the Interior

> Appendix C-Public Land Orders [Public Land Order 1205]

> > ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the publicland laws, including the mining and the mineral-leasing laws, and reserved for use of the Department of the Air Force for military purposes:

FAIRBANKS MERIDIAN

[Fairbanks 010082]

T. 1 S., R. 4 E., unsurveyed, Sec. 8, That portion lying south of the Chena River;

Sec. 9, That portion lying south of the

Chena River; Sec. 10, W½ lying south of the Chena River;

Sec. 15, W1/2,

Sec. 16; Sec. 17. That portion lying south of the Chena River;

Sec. 18, That portion lying south of the Chena River;

Sec. 19, N1/2, Sec. 20:

Sec. 21, N1/2 and SW1/4.

Sec. 22, NW1/4.

The areas described aggregate 4,100 acres.

[Fairbanks 010084]

T. 2 S., R. 3 E., Sec. 19, NE%, SE%NW%, NE%SW%, N%SE%SW%, N%SE%, N%S%SE%, (unsurveyed) . Sec. 20, NW¼, W½NE¼, N½N½SW¼, (unsurveyed).

The areas described aggregate 660 acres.

This order shall be subject to the withdrawals made by Public Land Order No. 757 of August 16, 1951 for use of the Alaska Road Commission and Executive Order No. 8020 of December 2, 1938, temporarily withdrawing public lands for flood-control purposes, and shall be subject to use by the Alaska Road Commission of the Moose Creek Quarry in the NE¼SE½SW¾, sec. 19, T. 2 S., R. 3 E., together with the right of egress and ingress upon the lands so long as the need therefor by the Alaska Road Commission shall continue.

ORME LEWIS,
Assistant Secretary of the Interior.

AUGUST 10, 1955.

[F. R. Doc. 55-6631; Filed, Aug. 15, 1955; 8:46 a. m.]

[Public Land Order 1206]

#### ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILL-TARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska, are hereby withdrawn from all

forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use of the Department of the Air Force for military purposes:

FARRANKS MERIDIAN

T. 3 S., R. 3 E., Sec. 7, Lots 5 and 6; Sec. 8, S½, Sec. 17, Lots 1, 2, 3 and 4, E½NW¼, E½, Sec. 18, Lot 1, Sec. 20, Lots 1, 2, 3 and 4, E½. Sec. 29, Lots 1, 2, 3 and 4, SE¼NE¼, N½ NE¼, Sec. 32, Lot 1.

and

Those certain islands or portions thereof, lying in the Tanana River couth of the north line of T. 3 S., R. 2 E., F. M., extended west to the west bank of the Tanana River and lying west of the north-south center line of Section 34, T. 3 S., R. 3 E., F. M., extended couth to the west bank of the Tanana River.

The areas described aggregate 5,283.10 acres.

Onlie Lewis,

Assistant Secretary of the Interior.

AUGUST 10, 1955.

[F. R. Doc. 55-6632; Filed, Aug. 15, 1955; 8:46 a. m.]

Material Quantities and Unit Costs, have been eliminated.

Schedule No. 21, Summary of Contract Payments, has been revised to eliminate the requirement for the submission of copies of contracts.

5. The amended FPC Form No. 6 herein described and set forth is proposed to be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 4 (b) and 309 thereof (49 Stat. 839, 858; 16 U.S. C. 797 (b) 825h)

6. Although the proposed revision is deemed to be purely a matter of procedure or practice not requiring notice under section 4 (a) of the Administrative Procedure Act (60 Stat. 233; 5 U. S. C. 1003 (a) (1946)) this notice will be published in the Federal Register and will be served on all present permittees and licensees of major projects and on all applicants for permits and licenses for such projects. The Commission desires to have and will consider any data, views or comments which any interested person may submit not later than September 15, 1955.

[SEAL]

J. H. GUTRIDE, Acting Secretary.

[P. R. Doc. 55-6646; Filed, Aug. 15, 1955; 8:50 a.m.]

# PROPOSED RULE MAKING

# FEDERAL POWER COMMISSION

I 18 CFR Part 141 1

[Docket No. R-147]

INITIAL STATEMENT SHOWING ACTUAL
LEGITIMATE ORIGINAL COST

NOTICE OF PROPOSED RULE MAKING

' AUGUST 3, 1955.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend § 141.11 Form of initial cost statement for licensed projects of the Commission's General Rules and Regulations (18 CFR 141.11) to prescribe a revised Form FPC No. 6, Initial Statement to the Federal Power Commission showing Actual Legitimate Original Cost, required to be filed by each licensee in accordance with section 4 (b) of the Federal Power Act. Copies of the proposed revision may be obtained from the Commission.

The revised Form here proposed, including the revised instructions and schedules therein contained, if adopted, will supersede FPC Form No. 6, heretofore adopted and prescribed, as amended, by the Commission's order No. 120, dated December 8, 1944.

The revisions are proposed for the purpose of simplifying the statement required to be filed by licensees by eliminating detail which experience has shown to be unnecessary and obtaining required information in a more summary form.

4. The principal changes proposed are as follows:

Schedule No. 1, Organization and Corporate Relationship, is revised to eliminate listing of certain officers, directors, and large stockholders.

Schedule No. 2, Description of the Project, has been clarified so as to require briefer descriptions.

Schedule No. 6, Accrued Depreciation of Project Property, has been revised to permit the licensee more latitude in the presentation of the claimed accrued depreciation as to the effective date of license and eliminates the requirement for submitting underlying detailed calculations.

Schedule No. 7, Final Trial Balance, has been abbreviated so as to show only detailed construction accounts in which there is a difference between the recorded and claimed project costs.

Former Schedules Nos. 8-A to 8-C-3, Land and Land Rights, have been replaced by Schedules 9-A, 9-B, and 9-C, summarizing land acquisition purchase prices and eliminating details.

Schedule No. 18, Statement of Labor Rates, and Schedule No. 19, Analysis of

# SECURITIES AND EXCHANGE COMMISSION

I 17 CFR Parts 230, 239 I

REVISION AND CONSOLIDATION OF REGULA-TION A AND REGULATION D

EXTENSION OF TIME FOR SUBMITTING COMMENTS

The Securities and Exchange Commission today announced that the time for filing written comments on the Commission's proposed revision and consolidation of Regulation A and Regulation D has been extended from August 15, 1955, to September 15, 1955, following the receipt of several requests for additional time within which to submit views and comments upon this proposal.

The proposal, set forth in detail in

The proposal, set forth in detail in Securities Act Release No. 3555 and published in F. R. 146, July 28, 1955, contemplates the consolidation of Regulation A and Regulation D into a single integrated exemptive regulation for both domestic and Canadian securities and, among other things, the inclusion in the new regulation of certain special requirements with reference to companies in the promotional stage.

By the Commission.

[SEAL] ORVAL L. DuBois, Secretary.

August 8, 1955.

[P. R. Doc. 55-6343; Filed, Aug. 15, 1955; 8:50 a. m.]

No. 159---2

# INTERSTATE COMMERCE COMMISSION

I 49 CFR Parts 72, 73, 74, 77, 781

[Notice 20; Docket 3666]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

JULY 27, 1955.

The Commission is in receipt of applications for early amendment of the above entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway, as published in orders pursuant to section 835, of the Criminal Code and Part II of the Interstate Commerce Act.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached, and it is proposed that the applications

be disposed of by modified procedure. The reasons for the proposed amendments are shown in the appendix, hereof.

Any party desiring to be heard upon any of the proposed amendments shall advise the Commission in writing within 20 days from the date of publication of this notice; in the Federal Register; otherwise, the Commission may proceed to investigate and determine the matters involved in the application, or may suspend action pending formal hearing in this docket.

[SEAL]

HAROLD D. McCoy, Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CON-TAINING THE SHIPPING NAME OR DE-SCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71-78 OF THIS CHAPTER

Amend § 72.5 Commodity List (19 F. R. 8524, Dec. 14, 1954) (15 F. R. 8263, 8264, 8265, 8266, 8267, 8268, 8269, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 72.5) as follows:

§ 72.5 List of explosives and other dangerous articles. (a) \* \* \*

Article	Classed as	Exemptions and pack- ing (see sec.)	Label re- quired if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Acrolein, inhibited	F. L Cor. L	No exemption, 73.122. No exemption, 73.259.	Red White	1 quart. 6 quarts.
tronic equipment. Methylhydrazine	F. L	No exemption, 73.145 No exemption, 73.145	Red	5 pints. 5 pints.
Add	,			
Bombs, incendiary or smoke, without bursting charges. See Special fireworks.  Coating solution  Fire extinguisher actuating cartridges.  Iodino monochloride.  Mothyl iso-propenyl ketone, inhibited.	F. L. Expl. C. Cor. L. F. L	73.118, 73.132 73.114 No-exemption, 73.293 73.118, 73.119	Red White Red	15 gallons. 150 pounds. 1 quart. 10 gallons.

### PART 73-SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. Amend § 73.31 (g) Note 1, amend paragraph (j) (20 F R. 4413, June 23, 1955) (15 F R. 8279, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.31) to read as follows:

§ 73.31 Qualification, maintenance, and use of tank cars. \* \* \* (g) \* \* \*

Note 1. Periodic retests of metal tanks, safety valves, and heater systems, except those in chlorine service and except tanks made to specifications ICC-106A500, 106A-500X, 106A800NCI, 107A, or 110A500W may be made at any time during the calendar year the retest falls due.

(j) Before tank cars are loaded, the shipper must examine the tanks and their appurtenances to see that the safety and outlet valves, the safety vents, the excess flow valves (if any) the closures of all openings, and the protective covers of all appurtenances are in proper condition. Tanks with bottom discharge outlets must have their outlet caps off, or outlet cap plugs open, during entire time tanks are being loaded. After loading, tanks which show any dropping of liquid contents at the seams or rivets, or with bottom outlet valves which permit more than a dropping of the liquid with the outlet caps off, must not be offered for transportation until proper repairs have been made.

2. Amend § 73.33 (c) (g) (1) and (k) (1) amend the introductory text of paragraphs (m) add paragraphs (m) (9) (10) (11) and (o) (4) amend paragraph (p) (18 F R. 6777, Oct. 27, 1953) (16 F R. 11775, Nov. 21, 1951) (15 F R. 8281, 8282, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.33) to read as follows:

§ 73.33 Qualification, maintenance, and use of cargo tanks. \* \* \*

(c) Any cargo tank of ICC specification MC 320 1 constructed or put in service on and after February 1, 1942, and prior to May 15, 1950, fulfilling the requirements of that specification may be continued in service for the transportation of any compressed gas for which specification MC 330 (§ 78.336 of this chapter) tanks are authorized if it is retested every five years in accordance with the requirements of paragraphs (k) (2), (3) and (4) of this section: Provided, That it is in and can be maintained in safe operating condition for the trans-portation of that gas, and shall be marked "ICC Specification MC 320" on the plate required by specification MC 330 (§ 78.336 of this chapter)

(g) \* \* \* \* \* \* \* \* \* (k) \* \* \*

(1) Every cargo tank which is constructed in accordance with or fulfilling the requirements of ICC Specification MC 330 shall be tested at least once in every five years in accordance with paragraphs (k) (2), (3), and (4) of this section, except that tanks and safety valves of cargo tanks used for the transportation of chlorine must be retested at intervals of two years or less.

(m) On tanks used for compressed gases (except chlorine for which provisions are made at paragraph (m) (9) to (11) of this section), the bursting strength of any piping and fittings shall be not less than four times the design working pressure of the tank, and not less than four times that pressure to which, in any instance, it may be subjected in service, by the action of a pump or other device (not including safety relief valves) the action of which may be to subject certain portions of the tank piping to pressures greater than the design working pressure of the tank.

(9) On cargo tank motor vehicles for the transportation of chlorine, no piping, hose, or other means of loading or unloading shall be attached to the angle valves required by § 73.33 (o) (4) except at the time of loading or unloading, nor shall any hose, piping, or tubing used for loading or unloading be mounted on or carried on the vehicle nor shall such devices be considered as part of the cargo tank motor vehicle. On cargo tank motor vehicles for the transportation of chlorine, except at the time of loading or unloading, pipe connections of the angle valves must be closed with screw

Where there reg-Containers made unulations call for specification der the following specifications may may numbers: also be used: MC 200\_\_\_\_ 7.2-S-1. MO 201\_\_\_\_\_ MC 300\_\_\_\_\_ 7.3-S-1.2. MC 301\_\_\_\_\_ 7.3-S-1.3. MC 302\_\_\_\_\_ 7.3-S-1.4. MC 303\_\_\_\_\_ 7.3-S-1.5. MO 310\_\_\_\_\_ 7.5-S-1.2. MC 311 \_\_\_\_\_ MC 310 and 7.5-S-1.2. MC 330 \_\_\_\_\_ MC 320.

plugs, chained or otherwise fastened to prevent misplacement.

(10) Angle valves on chlorine cargo tank motor vehicles shall be tested at not less than 225 p. s. i. g., using dry air or mert gas, before installation of such valves on the cargo tank, and such tests shall be made before each loading. The valves and gasketed joints shall be inspected for leaks, at a pressure of not less than 50 p. s. i. g., after loading and prior to shipment, and such inspections shall be made for each loading. Leaks which are detected shall be corrected before the cargo tank motor vehicle is shipped.

(11) Liquid chlorine pumps shall not be installed on cargo tank motor vehicles used for the shipment of chlorine.

(0) \* \* \*

(4) Angle valves and excess-flow valves on chlorine tank motor vehicles shall conform to the standards of The Chlorine Institute, Inc. Angle valve to conform with Dwg. 6-B-347, dated January 24, 1950; excess-flow valve to conform with Dwg. S-20099-M, dated January 30, 1948. An excess-flow valve shall be installed under each angle valve.

(p) Each tank for chlorine, carbon dioxide and nitrous oxide shall be lagged with a suitable insulation material of such thickness that the overall thermal conductance is not more than 0.08 B. t. u. per square foot per degree F. differential in temperature per hour. The conductance shall be determined at 60° F. In no event shall less than 4 inches of thickness of insulation be used. Insulation material used on tanks for nitrous oxide shall be noncombustible. Insulation material used on tanks for chlorine shall be corkboard.

# SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. Amend § 73.59 (a) (20 F. R. 4413, June 23, 1955) (49 CFR 73.59, 1950 Rev.) to read as follows:

§ 73.59 Chemical ammunition, explosive. (a) When chemical elements of ammunition are shipped assembled with their detonating fuzes or bursting charges, they must be shipped in conformity with the regulations prescribed for explosive articles, class A, see § 73.56. For shipment of these articles not containing ignition elements, bursting charges, detonating fuzes, or other explosive components, see § 73.330, § 73.350, and § 73.383. For shipment of these articles assembled with their ignition elements or expelling charges but without any detonating or bursting charge see § 73.88 (d)

2. Amend § 73.60 (a) (6) (b) (2) and (d) (2) (17 F. R. 1559, Feb. 20, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.60) to read as follows:

§ 73.60 Black powder and low explosives. (a) \* \* \*

(6) Spec. 12H, 23F or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter) Fiberboard boxes with inside cylindrical fiber cartridges not over 5 inches diameter nor over 18 inches long with fiber

at least 0.05 inch thick paraffined on outer surface with joints securely glued or cemented, or strong paraffined paper cartridges not over 12 inches long authorized only for compressed pellets (cylindrical block) % inch or more in diameter. Boxes must be completely lined with strong paraffined paper or other suitable waterproofed material without joints or other openings at the bottom or sides. Authorized gross weight not to exceed 65 pounds.

(b) \* \* \* (2) Spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter) Fiberboard boxes with inside containers which must be cloth or paper bags of capacity not exceeding 25 pounds, net weight, or inside fiber or metal containers having not over 1 pound capacity each, provided the completed shipping package shall be capable of withstanding a drop of 4 feet without rupture of inner or outer containers. The tubes of the box may be eliminated and a single tube as specified in spec. 23F (§ 78.214 of this chapter) may be substituted. The completed package shall not contain more than 50 pounds, net weight, of black powder.

(d) \* \* \*

(2) Spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter) Fiberboard boxes with inside containers which must be strong paper bags of capacity not exceeding 25 pounds. Gross weight must not exceed 65 pounds.

3. Amend § 73.63 (a) (2) introductory text of paragraph (b) paragraphs (c) (1) (2), (d) (2), and (e) (2) (17 F R. 1559, Feb. 20, 1952) (17 F. R. 9836, Nov. 1, 1952) (18 F R. 5271, Sept. 1, 1953) (19 F. R. 8525, Dec. 14, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.63) to read as follows:

§ 73.63 High explosive with liquid explosive ingredient. (a) • • •

(2) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter) Wooden boxes, or spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter) fiberboard boxes, with inside containers which must be cartridges not exceeding 12 inches in diameter or 50 pounds in weight with length not to exceed 36 inches, or bags not exceeding 50 pounds each securely closed so as to prevent leakage therefrom. Gross weight of wooden boxes not to exceed 75 pounds and gross weight of fiberboard boxes not to exceed 65 pounds

boxes not to exceed 65 pounds.

(b) High explosives (dynamite) containing 10 percent or less of a liquid explosive ingredient in cartridges or bags as prescribed in § 73.61 (d) and (e) may be packed in wooden boxes, spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter), gross weight not to exceed 140 pounds, or fiberboard boxes, spec. 12H, 23F or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter), gross weight not to exceed 65 pounds.

(1) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter). Wooden boxes, or spec. 12H, 23F, or 23H

(§ 78.209, § 78.214, or § 78.219 of this chapter), fiberboard boxes with inside containers which must be cartridges not exceeding 4 inches in diameter or 8 inches in length, or cartridges not exceeding 5 inches in diameter or 10 inches in length, provided each such cartridge is enclosed alone, or with other cartridges in another strong paper shell and the resulting cartridge dipped in melted parailin or equivalent material. The length of such completed cartridge shall not exceed 30 inches. Gross weight of wooden boxes not to exceed 75 pounds and gross weight of fiberboard boxes not to exceed 65 pounds.

(2) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter) Wooden boxes, or spec. 12H, 23F or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter) fiberboard boxes, with inside containers which must be paraffined two-ply paper bags not exceeding 12½ pounds capacity, securely closed by folding the tops and securing the fold by tape, with not more than two such bags inserted into another two-ply paper bag which must be securely closed and dipped in paraffin after closing. Gross weight of wooden boxes not to exceed 75 pounds and gross weight of fiberboard boxes not to exceed 65 pounds.

(d) \* \* \* \* (2) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter) Wooden boxes, or spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter) fiberboard boxes, with inside containers which must be cartridges not exceeding 12 inches in diameter or 50 pounds in weight with length not to exceed 36 inches, or bags not exceeding 12½ pounds each. Bags if not completely sealed against leakage by method of closure must be packed with filling holes up. Gross weight of wooden boxes not to exceed 75 pounds and gross weight of fiberboard boxes not to exceed 65 pounds.

(e) \* \* \*

(2) Spec. 12H, 23F, 23G, or 23H (§ 78.209, § 78.214, § 78.218, or § 78.219 of this chapter). Fiberboard boxes. Spec. 23c (§ 78.218 of this chapter) must be packed in an outer container consisting of at least 7-ply heavy Kraft paper (see § 73.25 for additional required marking).

4. Amend § 73.64 (a) (2) (17 F.R. 1559, Feb. 20, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.64) to read as follows:

§ 73.64 High explosives with no explosive ingredient and propellant explosives, class A. (a) \* \* \*

(2) Spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter) Fiberboard boxes.

5. Amend § 73.65 paragraphs (a) (2), and (h) (2) (17 F. R. 1559, Feb. 20, 1952) (19 F. R. 3259, June 3, 1954 (49 CFR 1950 Rev., 1954 Supp., 73.65) to read as follows:

§ 73.65 High explosives with no liquid explosive ingredient nor any chlorate.
(a) • • •

(2) Spec. 12H, 23F, or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter) Fiberboard boxes.

(h) \* \* \*

(2) Spec. 12H, 23F or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter) Fiberboard boxes. Gross weight not to exceed 65 pounds.

6. Amend § 73.66 (d) (1) (e) (1) and (g) (1) (19 F R. 3259, June 3, 1954) (20 F R. 949, 950, Feb. 15, 1955) (17 F. R. 1559, 1560, Feb. 20, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.66) to read as

§ 73.66 Blasting caps and electric blasting caps. \* \*

(d) \* \* \* (1) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter) Wooden boxes (see § 73.67 (a) (1) Note 1) or spec. 12H, 23F or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter) fiberboard boxes, with inside containers which must be cartons or wrappings with inside containers as prescribed in paragraph (c) of this section, which must be separated from the outside box by at least one inch of tightly packed sawdust, excelsior, or equivalent cushioning material. Gross weight not to exceed 150 pounds.
(e) \* \* \*

(1) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter) Wooden boxes (see § 73.67 (a) (1) Note 1) or spec. 12H, 23F or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter) fiberboard boxes, with inside containers which must be cartons or wrappings with inner containers as prescribed in paragraph (c) of this section, packed in an inside box made of sound lumber, a hermetically sealed metal box of metal not less than 30 gauge United States standard, or a sealed package made of 6-ply Sisalkraft Asphalt Laminated sheeting, or its equivalent; Asphalt Laminated sheeting shall consist of 2 plies of strong fibers, 2 plies of pliable asphalt, and 2 plies of protective cover. The minimum tensile strength shall be 20 pounds per inch width in each direction. The laminated sheet shall have a minimum water resistance of 24 hours and a maximum water permeability of 4 grams per square meter per 24 hours. The inside wooden box, metal box, or sealed package must be separated at all points from the outside box by at least one inch of tightly packed sawdust, excelsior, or equivalent cushioning material. Gross weight not to exceed 150 pounds.

(g) \* \* \*

(1) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter) Wooden boxes (see § 73.67 (a) (1) Note 1) or spec. 12H, 23F or 23H (§ 78.209, § 78.214, or §78.219 of this chapter) fiberboard boxes, with inside containers which must be pasteboard cartons containing not more than 100 caps each, or pasteboard tube inclosing each cap with wires or with the wires wrapped around the tube. Gross weight of wooden boxes containing pasteboard cartons must not exceed 150 pounds, except for export shipment. Gross weight of wooden boxes containing pasteboard tube must not exceed 75 pounds.

7. Amend § 73.67 (a) (1) (19 F R. 3259, June 3, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.67) to read as follows:

§ 73.67 Blasting caps with safety fuse.
(a) \* \* \*

(1) Spec. 14, 15A, or 16A (§ 78.165, §78.168, or § 78.185 of this chapter) Wooden boxes (see Note 1 of this para-(§ 78.209, § 78.214, or § 78.219 of this chapter) fiberboard boxes, with inside containers which must be cartons or wrappings with inner containers as prescribed in § 73.66 (c) placed in the center of a coil of fuse and secured and cushioned therein to prevent movement therefrom. Gross weight not to exceed 150 pounds.

(No change in Note 1.)

8. Amend § 73.68 (a) (1) (17 F. R. 1560, Feb. 20, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.68) to read as follows:

§ 73.68 Detonating primers.
(a) \* \* \*

(1) Spec. 14, 15A, or 16A (§ 78.165, § 78.168, or § 78.185 of this chapter) Wooden boxes (see § 73.67 (a) (1) Note 1) or spec. 12H, 23F or 23H (§ 78.209, § 78.214, or § 78.219 of this chapter), fiberboard boxes, with inside containers which must be pasteboard cartons containing not more than 50 primers each, or pasteboard or plastic tube inclosing each primer with wires, or pasteboard, wooden, metal, or plastic tubes or spools with wires wrapped around the tube or spool. Gross weight of wooden boxes containing pasteboard cartons must not exceed 150 pounds, except for export shipment. Gross weight of wooden boxes containing pasteboard or plastic tube inclosing each primer with wires, or pasteboard, wooden, metal, or plastic tubes or spools with the wires wrapped around the tube or spool must not exceed 75 pounds.

9. Amend § 73.88 (d) (17 F R. 7280, Aug. 9, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.88) to read as follows:

§ 73.88 Definition of class B explosives. \* \* \*

(d) Special fireworks are manufactured articles designed primarily for the purpose of producing visible or audible pyrotechnic effects by combustion or explosion. (See § 73.100 (r) for common fireworks.) Examples are toy torpedoes, railway torpedoes, some firecrackers and salutes, exhibition display pieces, aeroplane flares, illuminating projectiles, incendiary projectiles or incendiary bombs and smoke projectiles or smoke bombs fuzed or unfuzed and containing expelling charges but without bursting charges, hand or rifle grenades with ignition elements but not containing bursting charges, flash powders in inner units not exceeding 2 ounces each, flash sheets in interior packages, flash powder or spreader cartridges containing not over 72 grains of flash powder each (see § 73.60 for shipments made as low explosives) and flash cartridges consisting of a paper cartridge shell, small-arms primer, and flash composition, not exceeding 180 grains all assembled in one piece. Fireworks must be in a finished

state, exclusive of mere ornamentation, as supplied to the retail trade and must be so constructed and packed that loose pyrotechnic composition will not be present in packages in transportation.

10. Amend § 73.91 paragraph (f) (2) (17 F R. 1560, Feb. 20, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.91) to read as follows:

§ 73.91 Special fireworks. \* \* \*

(f) \* \* \*

(2) Spec. 12H, 23F, or 23H (§78.209, § 78.214, or § 78.219 of this chapter) Fiberboard boxes. Gross weight not to exceed 65 pounds.

11. Add paragraph (a) (3) to § 73.92 (18 F R. 6777, Oct. 27, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.92) to read as follows:

§ 73.92 Jet thrust units (jato), class B, or igniters, jet thrust. (a) \* \* \*

(3) Spec. 23F (§ 78.214 of this chap-r) Fiberboard boxes. Authorized ter) only for igniters, jet thrust, which must be in tightly closed metal containers.

12. Add paragraph (w) to § 73.100 (15 F R. 8296, Dec. 2, 1950) (49 CFR 73.100, 1950 Rev.) to read as follows:

§ 73.100 Definitions of class C explosives. \* \* \*

(w) Fire extinguisher actuating cartridges consist of a small metal or fiber housing containing a small amount of initiating explosive and a propellant and are used to actuate the valves on remotely controlled fire extinguishers.

13. Add § 73.114 (15 F R. 8297, Dec. 2, 1950) (49 CFR 73.114, 1950 Rev.) to read as follows:

§ 73.114 Fire extinguisher actuating cartridges. (a) Fire extinguisher actuating cartridges must be packed in strong wooden or fiberboard boxes.

(b) Each outside container must be plainly marked "Fire Extinguisher Actuating Cartridges—Handle Carefully

(c) When shipped as components with fire extinguisher and with not more than 2 cartridges for each extinguisher, they are exempt from Parts 71-78 of this chapter.

#### SUBPART C-FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. Add paragraphs (c) (24) and (c) (25) to § 73.118 (15 F R. 8298, Dec. 2, 1950) (49 CFR 73.118, 1950 Rev.) to read as follows:

§ 73.118 Exemptions for flammable liquids. \* \* \*

(c) \* \* \*

(24) Methylhydrazine.

(25) Uns-dimethylhydrazine.

2. In § 73.122 amend the introductory text of paragraph (a), and amend paragraph (b) (15 F.R. 8301, Dec. 2, 1950) (49 CFR 73.122, 1950 Rev.) to read as follows:

§ 73.122 Acrolein, inhibited. (n) Acrolein must be inhibited and when offered for transportation by carriers by rail freight, highway, or water must be packed in specification containers as follows:

(b) Acrolem must be inhibited and when offered for transportation by rail express must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, 19A, or 12B (§ 78.168, § 78.169, § 78.170, § 78.185, § 78.190, or § 78.205 of this chapter) Wooden or fiberboard boxes having not more than one inside container of glass not exceeding one quart capacity, securely cushioned within a metal contamer.

3. Amend § 73.127 (a) (2) add paragraph (a) (4) (20 F R. 4414, June 23, 1955) (15 F. R. 8301, Dec. 2, 1950) (49 CFR 73.127, 1950 Rev.) to read as follows:

§ 73.127 Nitrocellulose or collodion cotton, fibrous, or nitrostarch, wet; colloided nitrocellulose, granular or flake, and lacquer base or lacquer chips, wet. (a) \* \*

(2) Spec. 6A, 6B, 6C, or 6J (§ 78.97, § 78.98, § 78.99, or § 78.100 of this chap-Metal barrels or drums not over 55 gallons capacity. Spec. 6J (§ 78.100 of this chapter) drums must have removable heads of 14 gauge metal or 16 gauge metal with one or more corrugations near the periphery and heads must have a minimum convexity of 3% inch; each drum must have three rolled or swedged-in hoops, one of which shall be in the body near the curl.

(4) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter) Metal barrels or drums.

4. In § 73.128 amend the introductory text of paragraph (e) (15 F. R. 8301, Dec. 2, 1950) (49 CFR 73.128, 1950 Rev.) to read as follows:

§ 73.128 Paints and related materials. \* \* \*

(c) Paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood filler, liquid, and lacquer base liquid, and thinning, reducing and removing compounds therefor, and driers, liquid, therefor, in glass or earthenware containers of not over 1 quart capacity each, or metal containers of not over 5 gallons capacity each, packed in strong outside containers are exempt from specification packaging, marking, and labeling requirements when offered for transportation by rail freight, highway, or water except when offered for transportation by carrier by water, name of contents must be marked on outside container. When offered for transportation by rail express, such shipments are exempt from specification packaging, marking, and labeling requirements, except that packages having inside containers of over 1 quart capacity each must be marked with name of contents and bear the red label as prescribed in § 73.405. When fiberboard box is used for such shipments by rail freight, rail express, highway, or water, gross weight must not exceed 65 pounds.

5. In § 73.132 amend the introductory text of paragraph (a) (18 F R. 5272, Supp., 73.132) to read as follows:

§ 73.132 Container cement, linoleum cement, pyroxylin cement, rubber cement, tile cement, wallboard cement, and coating solution. (a) Container cement, linoleum cement, pyroxylin cement, rubber cement, tile cement, wallboard cement, and coating solution must be packed in specification containers as follows:

6. Amend § 73.139 paragraph (a) (1) (16 F. R. 11777, Nov. 21, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.139) to read as follows:

§ 73.139 Ethylene imine, inhibited. (a) \* \* \*

(1) Spec. 15A or 15B (§ 78.168 or § 78.169 of this chapter) Wooden boxes, with inside containers which must be securely sealed glass ampules or glass bottles, contents not over 16 fluid ounces or 1 pound each, in tightly closed metal cans. If more than one ampule or bottle is packed in a metal can, ampules or bottles must be separated by fiberboard partitions. Ampules or bottles must be cushioned in vermiculite or equally efficient incombustible cushioning material in quantity sufficient to completely absorb contents in event of breakage. Not more than 5 pints of liquid may be packed in any outside wooden box.

7. Add § 73.145 (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.145, 1950 Rev.) to read as follows:

§ 73.145 Methylhydrazine and unsdimethylhydrazine. (a) Methylhydrazine and uns-dimethylhydrazine must be packed in specification containers as follows:

(1) Spec. 1D (§ 78.4 of this chapter).

Boxed glass carboys.

(2) Spec. 15A, 15B, or 15C (§ 78.168, § 78.169, or § 78.170 of this chapter). Wooden boxes with inside containers which must consist of glass bottles not exceeding 1-gallon capacity each, cushioned by means of vermiculite within tin cans which shall be tightly closed, or containers not over 2 quarts capacity each made of aluminum not less than 0.04 inch thick. Closures and gaskets must be of material which will not react dangerously with or be decomposed by contact with the contents.

(3) Spec. 5, 5A, or 5C (§ 78.80, § 78.81, or § 78.83 of this chapter), or 17E (§ 78.116 of this chapter) (single-trip) Metal barrels or drums which shall be of type 304 or 347 stainless steel, with openings not exceeding 2.3 inches in diameter.

SUBPART D-FLAMMABLE SOLIDS AND ONIDIZ-ING MATERIALS; DEFINITION AND PREPA-RATION

1. Amend § 73.153 paragraph (a) (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.) to read as follows:

§ 73.153 Exemptions for flammable solids and oxidizing materials. (a) Flammable solids and oxidizing materials, except those as enumerated in paragraph (c) of this section, in inside containers not over 1 pound net weight each, in outside containers not exceeding 25 pounds net weight each, are exempt from specification packaging,

Sept. 1, 1953) (49 CFR 1950 Rev., 1954 marking and labeling requirements, unless otherwise provided, when offered for transportation by rail freight, rail express, highway or water except, when for transportation by carrier by water. name of contents must be marked on outside container. (See paragraph (c) of this section for articles not exempted, § 73.182 for exemptions for nitrates, and paragraph (b) of this section for exemption for organic peroxides.)

> 2. Amend § 73.176 paragraph (e) and cancel Note 1 (15 F. R. 8306, Dec. 2, 1950) (49 CFR 73.176, 1950 Rev.) to read as

§ 73.176 Matches. \* \* \*

(e) All individual containers of strikeanywhere matches when offered for transportation by rail express must be packed in specification containers as follows:

(1) Spec. 15A (§ 78.168 of this chapter). Wooden boxes, lined, spec. 2F (§ 78.25 of this chapter) or lined with asbestos board, lapped at all joints and all joints sealed air-tight. Gross weight not to exceed 50 pounds.
(2) Spec. 12C (§ 78.206 of this chap-

Fiberboard boxes with paperter) wrapped units of strike-anywhere matches covered with aluminum foil hermetically sealed. having joints Aluminum used for covering must be of such thickness that in the event matches become ignited fire will not communicate through the wrapped unit. Gross weight not to exceed 50 pounds.

3. Amend § 73.184 paragraph (a) (3) (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.184, 1950 Rev.) to read as follows:

§ 73.164 Nitrocellulose or collodion cotton, wet, or nitrocellulose, colloided, granular, or flake, wet, or nitrostarch, wet, or nitroguanidine, wet. (a) \* \* \*

(3) Spec. 6A, 6B, 6C, or 6J (§ 78.97, § 78.93, § 78.99, or § 78.100 of this chapter) Metal barrels or drums not over 55 gallons capacity. Spec. 6J (§ 78.100 of this chapter) drums must have removable heads of 14 gauge metal or 16 gauge metal with one or more corrugations near the periphery and heads must have a minimum convexity of 3 mch; each drum must have three rolled or swedgedin hoops, one of which shall be in the body near the top curl.

4. Amend § 73.191 paragraph (a) (1) (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.191, 1950 Rev.) to read as follows:

§ 73.191 Phosphorus pentachloride. (a) \* \*

(1) Spec. 11B, 15A, 15B, 15C, 16A, or 19A (§ 78.161, § 78.162, § 78.169, § 78.170, § 78.165, or § 78.190 of this chapter). Wooden barrels, kegs, or boxes, with inside containers which must be glass or glazed earthenware containers, not over 25 pounds capacity each, cushioned with mineral packing; when inside containers are packed in the same outside container with other articles, they must be inclosed in tightly closed metal cans. Net weight of phosphorus pentachloride not over 50 pounds in each outside container.

5. Amend § 73.229 paragraph (c) (20 F R. 950, 951, Feb. 15, 1955) (49 CFR 1950 Rev., 1954 Supp., 73.229) to read as follows:

§ 73.229 Chlorate and borate mixtures or chlorate and magnesium chloride mixtures. \* \* \*

- (c) Chlorate and borate mixtures or chlorate and magnesium chloride mixtures containing no other hazardous additives and containing less than 50 percent chlorate are exempt from specification packaging, marking and labeling requirements when offered for transportation by rail freight or highway and packed as follows:
  - (1) Tight metal or fiber drums.

(2) Wooden boxes with tight inside metal containers.

(3 Multi-wall paper bags, net weight not over 50 pounds, moisture proof and sift proof, and having a strength-capable of withstanding four 4-foot drops onto solid concrete.

SUBPART E-ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. Cancel paragraphs (c) (49) and (50) in § 73.244 (19 F. R. 8527, Dec. 14, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.244)

§ 73.244 Exemptions for acids and other corrosive liquids. \* \* \*

- (c) \* \* \*
- (49) Canceled.
- (50) Canceled.
- 2. Amend § 73.255 paragraph (a) (3) (15 F R. 8315, Dec. 2, 1950) (49 CFR 73.255, 1950 Rev.) to read as follows:
- § 73.255 Dimethyl sulfate. (a) \* \* \* (3) Spec. 15A, 15B, 15C, 16A, or 19A (§ 78.168, § 78.169, § 78.170, § 78.185, or § 78.190 of this chapter) Wooden boxes with each box containing a single glass inside container not over 1 quart capacity, closed by ground glass stopper or other equally efficient closure securely fastened in place, and cushioned with incombustible absorbent material in hermetically sealed (soldered) metal can, the can then being cushioned with incombustible cushioning material in the outside container.
- 3. Amend entire § 73.259 (15 F. R. 8315, Dec. 2, 1950) (49 CFR 73.259, 1950 Rev.) to read as follows:

\*

§ 73.259 Electrolyte, acid, or alkaline corrosive battery fluid, packed with battery charger radio current supply device, or electronic equipment. (a) Electrolyte. acid, or alkaline corrosive battery fluid packed with battery charger, radio current supply device or parts thereof, or electronic equipment, with only one device or outfit in each such package, in the amount necessary for operation of the device or equipment, provided the containers of electrolyte, acid, or alkaline corrosive battery fluid are adequately cushioned to prevent breakage, leakage, or damage to other articles packed therewith, must be packed in specification containers as follows:

(1) Spec. 15A, 15B, 15C, 16A, or 19A (§ 78.168, § 7.169, § 78.170, § 78.185, or § 78.190 of this chapter) Wooden boxes, provided the liquid is in bottles securely closed and cushioned as prescribed in paragraph (a) of this section, and separated from charger supply device, and parts, or electronic equipment by a strong solid wooden partition.

(2) Spec. 12B (§ 78.205 of this chapter) Fiberboard boxes, when the liquid is in a strong bottle not exceeding 16 fluid ounces, which must be securely closed and cushioned as prescribed in paragraph (a) of this section. Not more than 12 such packages may be packed under the provisions of § 73.25.

- 4. Add paragraph (b) (2) to § 73.260 (19 F R. 3260, June 3, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.260) to read as follows:
- § 73.260 Electric storage batteries.
- (b) \*·\* \*
- (2) Not more than four batteries not over 15 pounds each may be packed in strong outside fiberboard or wooden when securely cushioned and packed to prevent short circuits; specification container not required. thorized gross weight 65 pounds.
- 5. In § 73.266 amend the introductory text of paragraphs (b) (c) and (d) (15 F R. 8318, 8319, Dec. 2, 1950) (49 CFR 73.266, 1950 Rev.) to read as follows:

\*

§ 73.266 Hydrogen peroxide solution ın water

(b) Hydrogen peroxide solution in water containing not over 52 percent hydrogen peroxide by weight must be packed in specification containers as prescribed in paragraph (a) of this section or as follows:

(c) Hydrogen peroxide solution in water containing over 8 percent hydrogen peroxide by weight and not exceeding 37 percent must be packed in specification containers as prescribed in paragraphs (a) or (b) of this section or as follows:

(d) Hydrogen peroxide solution in water containing over 8 percent hydrogen peroxide by weight and not exceeding 10 percent must be packed in specification containers as prescribed in paragraphs (a) (b), or (c) of this section or as follows:

6. Amend § 73.272 paragraph (g) (1) (18 F R. 6779, Oct. 27, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.272) to read as follows:

§ 73.272 Sulfuric acid. \* \* \* (g) \* \* \*

(1) Spec. 5A or 5C (§ 78.81 or § 78.83 of this chapter) Metal barrels or drums. Spec. 5C metal barrels or drums must be of types 304, 316, or 347 stainless steel and are authorized only for sulfuric acid of 93 percent or greater strength.

(No change in-Note 1.)

7. In § 73.276 amend the heading and Introductory text of paragraph (a) (19 F R. 8527, Dec. 14, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.276) to read as follows:

§ 73.276 Anhydrous hydrazine and hydrazine solution. (a) Anhydrous hydrazine and hydrazine solution containing 50 percent or less of water must be packed in specification containers as follows:

8. Amend § 73.289 paragraphs (a) (2), and (a) (9) (16 F. R. 11779, Nov. 21, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.289) to read as follows:

§ 73.289 Formic acid and formic acid solutions. (a) \* \* \*

(2) Spec. 103A-W or 103C-W (§ 78.281 or § 78.283 of this chapter) Tank cars. Spec. 103A-W tanks must be of type 316 stainless steel. Tank cars must be stencilled "FOR FORMIC ACID ONLY"

(9) Spec. 1EX (§ 78.6 of this chapter). Carboys in plywood drums.

\* \* 9. Add § 73.293 (15 F R. 8324, Dec. 2, 1950) (49 CFR 73.293, 1950 Rev.) to read

as follows: § 73.293 Iodine monochloride. ረልነ

Iodine monochloride must be packed in specification containers as follows:

(1) Spec. 15A or 15B (§ 78.168 or § 78.-169 of this chapter) Wooden boxes with inside containers not over 1 quart capacity each; or with stone or earthenware jugs not over 1 gallon capacity each.

(b) Outage (vacant space above liquid) for inside containers must be not

less than 15 percent.

(c) Inside containers must be securely closed by hermetical sealing or by glass or stone stoppers ground to fit and securely fastened or by screw caps fitted with gaskets of suitable material resistant to the contents.

(d) Inside containers must be securely cushioned on all sides with incombustible cushioning material which will not produce heat when in contact with iodine monochloride.

### SUBPART F-COMPRESSED GASES; DEFINITION AND PREPARATION

- 1. Amend § 73.302 paragraph (a) (3) (15 F R. 8325, Dec. 2, 1950) (49 CFR 73.302, 1950 (Rev.) to read as follows:
- § 73.302 Exemptions for compressed gases. (a) \* \* \*
- (3) Inside nonrefillable metal containers charged with a solution of materials and compressed gas or gases, which is nonpoisonous and nonflammable and of capacity not to exceed 31.83 cubic inches (17.6 fluid ounces) Pressure in the container not to exceed 55 pounds per square inch absolute at 70° F., and the liquid content of the material and gas must not completely fill the container at 130° F Each completed container filled for shipment must have been heated until content reached a minimum temperature of 130° F., without evidence of leakage, distortion or other defect.
- 2. Amend § 73.306 paragraph (a) (1) (18 F R. 3136, June 2, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.306) to read as follows:
- § 73.306 Liquifled gases, except gas in solution or poisonous gas. (a) \* \* \*

(1) Spec. 3, 3A, 3AA, 3B, 3E, 4, 4A, 4B, 4BA, 4B-ET, 25, 26, or 38, also spec. 9, 40, or 41 (§ 78.36, § 78.37, § 78.38, § 78.42, § 78.48, § 78.49, § 78.50, § 78.51, or § 78.55, also §78.63, §78.66, or § 78.67 of this chapter) except that mixtures containing carbon bisulfide (disulfide). ethyl chloride, ethlyene oxide, nickel carbonyl, spirits of nitroglycerin, zinc ethyl, or poisonous articles, class A, B, or C, as defined by this part are not

permitted unless otherwise prescribed Inc. Dwg. D-13105-Rev. "D", in this part. (See §§ 73.34 and 73.301 December 18, 1952. (g).)

3. In § 73.308 paragraph (a) Table, amend the entry "Vinyl chloride, in-hibited" (19 F. R. 8527, Dec. 14, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.308) to read as follows:

§ 73.308 Compressed gases in cylinders. (a) • • •

Kind of gas	Maximum permitted filling density (see Note 12) (per- cent)	Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (c)
Vinyl chloride, inhibited (see Note 7)	84	ICC-4B100, without brazed scams; ICC-4BA225, without brazed scams; ICC-3A100; ICC-3AA100; ICC-25,

4. In § 73.314 paragraph (a) Table, amend the entry "Dispersant gas, n. o. s." amend paragraph (f) (19 F. R. 8528, Dec. 14, 1954) (15 F. R. 8329, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.314) to read as follows:

§ 73.314 Compressed gases in tank cars. (a) \* \*

Kind of gas	Maximum permitted filling den- sity, Note 1	Required type of tank car, Note 2
Dispersant gas, n. o. s	Note 16	ICC-105A500, 106A500N, Note 12; ICC-105A200, 105A300W.

- (f) Except as authorized by § 73.8, tank cars made in foreign countries must not be used in domestic traffic until they have been tested in this country and proper reports rendered as required by the specifications that apply.
- 5. In § 73.315 paragraph (a) (1) Table add the entry "Chlorine" amend Note 4 and add Note 8 to paragraph (a) (1) Table; add the entry "Chlorine" to paragraph (h) Table; amend the introduc-

tory text of paragraph (i) add the entry "Chlorine" to paragraph (i) (2) Table: add paragraph (i) (11) (18 F. R. 6779, 6780, Oct. 27, 1953) (15 F. R. 8330, 8331, Dec. 2, 1950) (17 F. R. 9839, Nov. 1, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.315) to read as follows:

§ 73.315 Compressed gases in cargo tanks and portable tank containers.
(a) \* \* \*

(1) \* \* \*

	Maximum permitted filling density		Specification container required	
Kind of gas	Percent by weight (see Note 1)	Percent by yolume (see par. (f) of this section)	Type (see Note 2)	Minimum design working pressure (p. s. l. g.)
Chlorine	125	See Note 7	710 339	223; see Notes 4 and 8.

Note 4: A corrosion factor shall be applied in the design of tanks for sulfur dioxide and (See § 78.336-3 (a) of this chlorine. chapter.)

Note 8: Chlorine cargo tank motor vehicles may be shipped only if the contents are to be unloaded at one unloading point.

(h) \* \* \*

Kind of gas	Permitted gauging device
Chlorine	None.

(i) Each tank shall be provided with one or more safety devices which, unless otherwise specified, shall be safety relief valves of the spring-loaded type and

they shall be arranged to discharge upward and unobstructed to the outside of the protective housing in such a manner as to prevent any impingement of escaping gas upon the tank, except that for chlorine tanks, protective housing shall be as required in § 78.336-5 of this chapter, and safety valve as required in subparagraph (11) of this paragraph.

(2) \* Minimum start-to-discharge Kind of gas (p. s. l. g.) Chlorino ...

(11) Safety relief valve on chlorine tank motor vehicles shall conform with the standard of The Chlorine Institute,

dated

### SUBPART G-POISONOUS ARTICLES: DEFINITION AND PREPARATION

- 1. Amend § 73.334 entire paragraph (a) (17 F.R. 4295, May 10, 1952) (16 F.R. 9378, Sept. 15, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.334) to read as follows:
- § 73.334 Hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, mixtures with compressed gas. (a) Hexaethyl tetraphosphate, parathion. tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, mixtures with compressed gas, containing not more than 20 percent by weight of hexaethyl tetraphosphate, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate must be packed in specification containers as follows:
- (1) Spec. 3A300, 3AA300, 3B300, 4A300, 4B240, 4BA240, or 4B240ET (§§ 78.36, 78.37, 78.38, 78.49, 78.50, 78.51, or 78.55 of this chapter). Metal cylinders, charged with not more than 5 pounds of the mixture and to a maximum filling density of 80 percent of the water capacity. Cylinders must not be equipped with eduction tubes or fusible plugs. Valves must be of a type acceptable to the Bureau of Explosives.
- 2. Amend § 73.354 paragraphs (a) (4), and (5) cancel paragraph (c) (16 F. R. 9378, Sept. 15, 1951) (20 F. R. 4417, June 23, 1955) (15 F. R. 8336, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.354) to read as follows:

§ 73.354 Motor fuel antiknock compound or tetraethyl lead. (a) \* \* \*

(4) Spec. 105A300 or 105A300W (§ 78.271 or § 78.286 of this chapter) Tank cars. Stensiled on both sides of the tanks, "FOR MOTOR FUEL ANTI-KNOCK COMPOUND ONLY" Tank cars not authorized for tetraethyl lead.

(5) Spec. MC 300, MC 301, MC 302, MC 303, or MC 330 (§ 78.321, § 78.322, § 78.323, § 78.324 or § 78.336 of this chapter). Tank motor vehicles. Tank motor vehicles not authorized for tetraethyl lead.

### (c) [Canceled.]

SUBPART H-MARKING AND LABELING EX-PLOSIVES AND OTHER DANGEROUS ARTICLES

- 1. Add paragraphs (a) (13) and (b) (1) to § 73.402 (15 F. R. 8341, Dec. 2, 1950) (49 CFR 73.402, 1950 Rev.) to read as follows:
- § 73.402 Labeling dangerous articles. (a) · · ·
- (13) Labels prescribed for shipments of explosives and other dangerous articles by air between the United States, its territories and possessions, and other countries, as shown in §§ 73.405 (b), 73.406 (b) 73.407 (b) 73.408 (b) 73.409 (b) 73.410 (b) 73.411 (b) 73.412 (b) and 73.414 (c), may be used in lieu of labels otherwise prescribed and for local transportation to or from airport. (b) \* \* \*
- (1) Labels prescribed for shipments of explosives or other dangerous articles by air between the United States, its territories, possessions and other coun-

original carrier) :

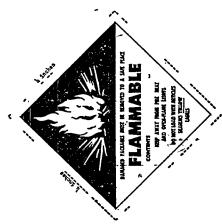
This is to certify that the contents of this package are properly described by name and are packed and marked and are in proper condition for thansportation according to the regulations prescribed by the Interstate Commerce Commission and the Civil Aeronautics Board (For shipment on passenger carrying aircraft the following must be added to certificate: This shipment is within the ilmitations prescribed for passenger carrying aircraft)

2 Add panagraph (b) to § 73 405 (15 F. R 8341, Dec 2 1950) (49 CFR 73 405, 1950 Rey) to read as follows:

\$ 73 405 Flammable liquids label

(b) Red label for flammable liquids for shipment by air

Red and black with (black printing on red)



3 Add paragraph (b) to § 73 406 (15 F. R 8341, Dec 2 1950) (49 CFR 73 406 1950 Rev) to read as follows:

§ 73.406 Flammable solids and oxidizing materials label \* \* \*

(b) Yellow label for flammable solids for shipment by air

Yellow and black with (black printing on yellow)

White and black with (black printing on white)



4 Add paragraphs (b) (1), (2), and (3) to § 73.407 (15 F. R. 8342, Dec 2, 1950) (49 CFR 73 407, 1950 Rev ) to read as follows:

§ 73,407 Acids, corrosive liquids and alkaline caustic liquids ldbels. \* \* \* (b) Labels for shipments of acids cor-

(b) Labels for shipments of acids corrosive liquids and alkaline caustic liquids by air must be as shown in the following:(1) White label for acids for shipment

White and black with (black printing on white)



5 Add paragraphs (b) (1) to \$73 408 (15 F. R. 8342 Dec. 2, 1950) (49 CFR. 73 408, 1950 Rev) to read as follows:

(2) White label for corrosive liquids \$73.408 Compressed gas labels \* \* \* to shipment by air

(b) Red label for flammable gases for white and block with shipment by air

Red and black with (black printing on red)



CORROSIVE

NO BOOT LALD WITH EXPLORMES
OR AUTHORS RALINES
THALOW OR PORCOR

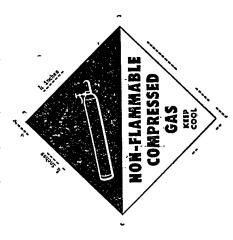
rimoyi Liakmb Pacxabis — Plush shilabi

(1) Green label for nonflammable gases for shipment by air

(3) White label for alkaline caustic liquids for shipment by air

White and black with (black printing on white)

Green and black with (black printing on green)



elmove leaking packaons — Ruibe spelabe with water

CORROSIV

LIQUID

6. Add paragraphs (b) (1), (2) and (3) to § 73.409 (15 F. R. 8342, Dec 2, 1950 (49 CFR 73.409 1950 Rev) to read as follows:

Sec. 11

Radioactive materials la-

bels

Poisonous articles and tear labels

(b) Labels for shipments of poisonous articles and tear gases by an must be as shown in the following: (1) Label for poison gas for shipment

by air

White and red with (red printing on white)



White and red with (red printing on white)

(2) Label for polsons for shipment by



(3) Label for tear gas for shipment by air FOOD PRODUCTS White and red with (red printing on white) POISO DO HOT TOUCH CONTINUE KIEP AWAY FROM No.

7. Add panagnaph (b) to § 73,410 (15 F. R 8342, Dec 2, 1950) (49 CFR 73 410, 1950 Rev) to read as follows:

(b) Explosives label for shipment of special fireworks by air § 73 410 Special freworks label • • •

9. Add paragraph (b) to \$ 73.412 (17 F R 1663, Feb 20, 1952) (49 CFR 1950 Rev, 1954 Supp, 73 412) to 1ead as follows:

(Black printing on red)



8. Add panagraph (b) to § 73.411 (16 F. R 8342, Dec 2, 1950) (49 CFR 73.411, 1950 Rev ) to lead as follows:

10. Add paragraph (c) to § 73 414 (15 F R 8343, Dec 2, 1950) (49 CFR 73 414, 1950 Rev) to read as follows: § 73 411 Explosives samples for lab-oratory examination label \* \* \* \_ \_ (b) Explosives label for shipment of samples of explosives by alt

(Black printing on red)

(c) Label for Radioactive Materials Groups I and II for shipment by air Red and white with (red printing on white)



EXPLOSIVE

NO BOT 1019 WITE ATTROUT ON MALANS PRINCES OF TANKS

KEEP AWAY FROM PME, MEAN

DO HOT 10 A D WITH A R MOLES

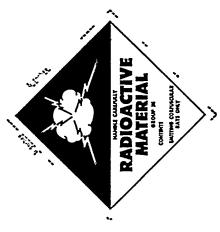
COMITME

(1) Label for Radioactive Materials Group III for shipment by air Blue and white with (blue printing on white)

for express shipment • • • • (b) Explosives label for shipment of propellant explosives by air

(Black printing on red)

§ 73 412 Propellant explosives label



**EXPLOSIVE** 

PRINT AND THE PARTY OF THE PART

SUBPART I-SHIPPING INSTRUCTIONS

Add paragraph (c) to § 73.430 (15 F R. 8344, Dec. 2, 1950) (49 CFR 73.430, 1950 Rev.) to read as follows:

§ 73.430 Certificate. \* \* \*

(c) Shipping papers for shipments made by air between the United States and other countries shall be certified in duplicate with certificate signed by the shipper reading as follows:

This is to certify that the contents of this package are properly described by name and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Inter-state Commerce Commission and the Civil Aeronautics Board. (For shipment on passenger-carrying aircraft the following must be added to certificate: This shipment is within the limitations prescribed for passenger carrying aircraft.)

### PART 74-CARRIERS BY RAIL FREIGHT

SUBPART A-LOADING, UNLOADING, PLACARD-ING AND HANDLING CARS; LOADING PACK-AGES INTO CARS

- 1. Amend § 74.529 paragraph (b) (15 F R. 8347, Dec. 2, 1950) (49 CFR 74.529, 1950 Rev.) to read as follows:
- § 74.529 Cars for class B explosives. \* \* \*
- (b) Shipments of class B explosives (see §§ 73.88 to 73.94 of this chapter) must be loaded in a closed car which is in good condition, into which sparks cannot enter, and with roof not in danger of taking fire through unprotected decayed wood. These cars do not require the car certificate but must have attached to both sides and both ends the "Dangerous" placard prescribed by § 74.552, and the doors if not tight must be stripped to prevent entrance of sparks.
- SUBPART B-LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS AR-TICLES
- 2. Amend footnote c to paragraph (a) Table in § 74.538 (15 F. R. 8350, Dec. 2, 1950) (49 CFR 74.538, 1950 Rev.) to read as follows:
- § 74.538 Loading and storage chart of explosives and other dangerous articles. (a) \* \* \*
- c Explosives, class A, and explosives, class B, must not be loaded or stored with chemical ammunition containing incendiary charges or white phosphorus either with or without bursting charges. Chemical ammunition of the same classification containing incendiary charges or white phosphorus may be loaded and stored together.

PART 77-SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CAR-RIERS BY PUBLIC HIGHWAY

#### SUBPART A-GENERAL INFORMATION AND REGULATIONS

In § 77.823 amend the introductory text of paragraph (d) (15 F. R. 8364. Dec. 2, 1950) (49 CFR 77.823, 1950 Rev.) to read as follows:

§ 77.823 Marking on motor vehicles and trailers other than tank motor vehicles. \* \* \*

(d) Tank motor vehicles. Every cargo tank used for the transportation of any compressed gas, regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked on each side and the rear thereof on a background of sharply contrasting color with a sign or lettering on the tank with words as appropriate "Compressed Gas" or "Flammable Compressed Gas" in letters at least 6 inches high: and in letters at least 2 inches high with the commonly accepted name, such as "Anhydrous Ammonia" "Carbon Dioxide" "Chlorine" "Liquefied Petro-leum Gas" "Nitrous Oxide", or "Sulphur Dioxide"

### SUBPART B-LOADING AND UNLOADING

Add paragraphs (e) and (f) to § 77.840 (15 F R. 8367, Dec. 2, 1950) (49 CFR 77.840, 1950 Rev.) to read as follows:

§ 77.840 Compressed gases. \* \* \*

(e) Chlorine cargo tanks shall be shipped only when equipped (1) with a gas mask of a type approved by the U.S. Bureau of Mines for chlorine service; (2) with an emergency kit for controlling leaks in fittings on the dome cover plate.

(f) No chlorine tank motor vehicle used for transportation of chlorine shall be moved, coupled or uncoupled, when any loading or unloading connections are attached to the vehicle, nor shall any semi-trailer or trailer be left without the power unit unless such semitrailer or trailer be checked or equivalent means be provided to prevent

SUBPART C-LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Amend footnote c to paragraph (a) Table in § 77.848 (15 F. R. 8369, Dec. 2, 1950) (49 CFR 77.848, 1950 Rev.) to read as follows:

- § 77.848 Loading and storage chart of explosives and other dangerous arti-
- Explosives, class A, and explosives, class B, must not be loaded or stored with chemical ammunition containing incendiary charges or white phosphorus either with or without bursting charges. Chemical ammunition of the same classification containing incendiary charges or white phosphorus may be loaded and stored together.

### PART 78—SHIPPING CONTAINER SPECIFICATIONS

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SUBPART C-SPECIFICATIONS FOR CYLINDERS

Amend § 78.38-12 paragraph (c) (15 F R. 8387, Dec. 2; 1950) (49 CFR 78.38-12, 1950 Rev.) to read as follows:

- § 78.38 Specification 3B; seamless steel cylinders.
- § 78.38-12 Openings in cylinders and connections (valves, fuse plugs, etc.) for those openings. \* \* \*
- (c) Straight threads having at least 4 engaged threads are authorized; to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder gaskets required, adequate to prevent leakage.

- SUBPART D-SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES
- 1. In § 78.80-11 amend the introductory text of paragraph (a) (15 F R. 8433, Dec. 2, 1950) (49 CFR 78.80-11, 1950 Rev.) to read as follows:
- § 78.80 Specification 5, steel barrels or drums.
- § 78.80-11 Marking. (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:
- 2. In § 78.81-11 amend the introductory text of paragraph (a) (15 F. R. 8433, Dec. 2, 1950) (49 CFR 78.81-11, 1950 Rev.) to read as follows:
- § 78.81 Specification 5A, steel barrels or drums.
- § 78.81-11 Marking. (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:
- 3. In § 78.82-11 amend the introductory text of paragraph (a) (15 F. R. 8434, Dec. 2, 1950) (49 CFR 78.82-11, 1950 Rev.) to read as follows:
- § 78.82 Specification 5B; steel barrels or drums.
- § 78.82-11 Marking. (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows: .
- 4. Amend § 78.83-9 (c) and (d), and add paragraph (e) in § 78.83-11 amend the introductory text of paragraph (a) (19 F R. 1285, Mar. 6, 1954) (17 F R. 4297, May 10, 1952) (15 F. R. 8435, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.83-9, 78.83-11) to read as follows:

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§ 78:83 Specification 5C; steel barrels or drums.

§ 78.83-9 Closures. \* \* \*

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(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug or cap must have 5 or more complete threads; 2 drainage holes of not over 🖔 🛚 inch diameter are allowed in that section of flange which extends inside the drum. Plug or cap must have sufficient length of thread to engage 5 threads when securely tightened with gasket in place. Except that for containers not over 15 gallons marked capacity the seat (flange, etc.) for plug or cap may have at least 3 complete threads and plug or cap sufficient

when securely tightened with gasket in place.

(d) Openings over 2.3 inches are not permitted. Threads for plug or cap must be 8 or less per inch when over ¾ inch standard pipe size.

(1) Flanges with inside threads and plug must conform with the thread diameter and thread form shown in the following drawing (other details shown on the drawing are recommended)

### [Drawing remains unchanged]

or (2) Eleven and one-half (11½) threads per inch, standard pipe size.

(e) Other threaded closures may be authorized by the Bureau of Explosives upon demonstration of equal efficiency.

§ 78.83-11 Marking. (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

5. In § 78.84-11 amend the introductory text of paragraph (a) (15 F. R. 8436, Dec. 2, 1950) (49 CFR 78.84-11, 1950 Rev.) to read as follows:

§ 78.84 Specification 5D; steel barrels or drums, lined.

§ 78.84-11 *Marking*. (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

6. In § 78.85-10 amend the introductory text of paragraph (a) (15 F R. 8437, Dec. 2, 1950) (49 CFR 78.85-10, 1950 Rev.) to read as follows:

§ 78.85 Specification 5F · steel drums.

§ 78.85-10 Marking. (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

7. In § 78.87-11 amend the introductory text of paragraph (a) (15 F. R. 8438, Dec. 2, 1950) (49 CFR 78.87-11, 1950 Rev.) to read as follows:

§ 78.87 Specification 5H, steel barrels or drums, lead lined.

§ 78.87-11 Marking. (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

8. Amend § 78.88-8 (c) and (d) add paragraph (c) in § 78.88-10 amend the

length of thread to engage 3 threads introductory text of paragraph (a) (19 F R. 6272, Sept. 29, 1954) (15 F R. 8439, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.88-8, 78.88-10) to read as fol-

> § 78.88 Specification 5K, nickel barrels or drums.

§ 78.88-8 Closures. \* \* \*

(c) For closure with threared plug or cap, the seat (flange, etc.) for plug or cap must have 5 or more complete threads; 2 drainage holes of not over 516-inch diameter are allowed in that section of flange which extends inside the drum. Plug or cap must have sufficient length of thread to engage 5 threads when securely tightened with gasket in place.

(d) Openings over 2.3 inches in diameter are not permitted. Threads for plug or cap must be 8 or less per inch when over 3/4 inch standard pipe size.

(1) Flanges with inside threads and plug must conform with the thread diameter and thread form shown in the following drawing (other details shown on the drawing are recommended)

## [Drawing remains unchanged]

or (2) Eleven and one-half (11½) threads per inch, standard pipe size.

(e) Other threaded closures may be authorized by the Bureau of Explosives upon demonstration of equal efficiency.

§ 78.88-10 Marking. (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

9. In § 78.89-9 amend the introductory text of paragraph (a) (15 F. R. 8440, Dec. 2, 1950) (49 CFR 78.89-9, 1950 Rev.) to read as follows:

§ 78.89 Specification 5L, steel barrels or drums.

§ 78.89-9 Marking. (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

10. Amend entire § 78.90-8; in § 78.90-10 amend the introductory text of paragraph (a) (15 F. R. 8440, Dec. 2, 1950) (19 F R. 6273, Sept. 29, 1954) (18 F. R. 806, Feb. 7, 1953) (49 CFR 1950 Rev., 1954 Supp., 78.90-8, 78.90-10) to read as follows:

§ 78.90-8 Closures. (a) Adequate to prevent leakage. Closure must be of screw-thread type or fastened by screwthread device. Unthreaded cap is authorized for containers of 12 gallons or less if cap is provided with outside seal-ing devices which cannot be removed without destroying the cap or sealing device.

(b) Closing part (plug, cap, plate, etc., see Note 1) must be of metal as thick as prescribed for head of container; this not required for containers of 12 gallons or less when the opening to be closed is not over 2.3 inches in diameter.

Nore 1: This does not apply to cap seal over a closure which complies with all requirements.

(c) For closure with threaded plug or cap, the seat (flange, etc.) for plug or cap must have 5 or more complete threads; 2 drainage holes of not over 5/16inch diameter are allowed in that section of flange which extends inside the drum. Plug or cap must have sufficient length of thread to engage 5 threads when securely tightened with gasket in place.

(d) Openings over 2.3 inches diameter are not permitted. Threads for plug or cap must be 8 or less per inch when over

ni inch standard pipe size.

(1) Flanges with inside threads and plug must conform with the thread diameter and thread form shown in the following drawing (other details shown on the drawing are recommended)

### [Drawing remains unchanged]

or (2) Eleven and one-half (111/2) threads per inch, standard pipe size.

(e) Other threaded closures may be authorized by the Bureau of Explosives upon demonstration of equal efficiency.

§ 78.90-10 Marking. (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

11. In § 78.91-11 amend the introductory text of paragraph (a) (15 F.R. 8441, Dec. 2, 1950) (49 CFR 78.91-11, 1950 Rev.) to read as follows:

§ 78.91 Specification 5X, steel drums. aluminum lined.

§ 78.91-11 Marking. (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

12. In § 78.97-9 amend the introductory text of paragraph (a) (15 F. R. 8442, Dec. 2, 1950) (49 CFR 78.97-9, 1950 Rev.) to read as follows:

§ 78.97 Specification 6A, steel barrels or drums.

§ 78.97-9 Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings. or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

13. In § 78.98-9 amend the introductory text of paragraph (a) (15 F. R. 8443, Dec. 2, 1950) (49 CFR 78.98-9, 1950 Rev.) to read as follows:

§ 78.98 Specification 6B; steel barrels

§ 78.98-9 Marking. (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

14. In § 78.99-9 amend the introductory text of paragraph (a) (15 F. R. 8444, Dec. 2, 1950) (49 CFR 78.99-9, 1950 Rev.) to read as follows:

§ 78.99 Specification 6C; steel barrels or drums.

§ 78.99-9 Marking. (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

15. In § 78.100-9 amend the introductory text of paragraph (a) (15 F. R. 8445, Dec. 2, 1950) (49 CFR 78.100-9, 1950 Rev.) to read as follows:

§ 78.100 Specification 6J steel barrels and drums.

§ 78.100-9 Marking. (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

16. In § 78.101-9 amend the introductory text of paragraph (a) (15 F. R. 8445, Dec. 2, 1950) (49 CFR 78.101-9, 1950 Rev.) to read as follows:

§ 78.101 Specification 6K, steel barrels or drums.

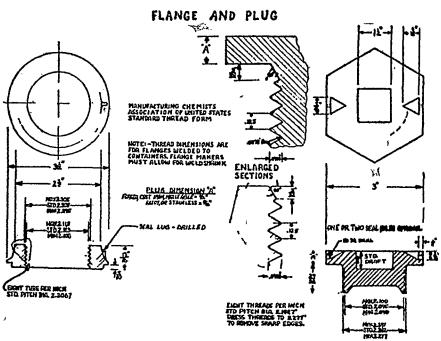
§ 78.101-9 Marking. (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

17. Amend § 78.107-7 (b) (15 F. R. 8446, Dec. 2, 1950) (49 CFR 78.107-7, 1950 Rev.) to read as follows:

 $\S$  78.107 Specification 42B; aluminum drums.

§ 78.107-7 Closures. \* \* \*

(b) Threaded plugs, or caps, and flanges must be close fitting with gasket surfaces which bear squarely on each other when without gasket; they must have not over 8 threads per inch, with 5 complete threads engaged when gasket is in place, or not over 4 threads per inch, with 2 complete threads similarly en-



gaged; two  $\frac{5}{10}$  inch dramage holes are authorized in flange. Thread form must conform to that shown by drawing below or be of a form that shall provide an equally efficient closure.

18. Amend § 78.108-7 (b) (15 F R. 8446, Dec. 2, 1950) (49 CFR 78.108-7, 1950 Rev.) to read as follows:

§ 78.108 Specification 42C; aluminum barrels or drums.

§ 78.108-7 Closures. \* \* \*

(b) Threaded plugs, or caps, and flanges must be close fitting with gasket surfaces which bear squarely on each other when without gasket; they must have not over 8 threads per mch, with 5 complete threads engaged when gasket is m.place, or not over 4 threads per mch, with 2 complete threads similarly engaged; two \( \frac{1}{16} \) mch drainage holes are authorized in flange. Thread form must conform to that shown by drawing below or be of a form that shall provide an equally efficient closure.

[Drawing is the same as shown in § 78.107-7 (b)]

19. Amend § 78.109-7 (b) (15 F R, 8447, Dec. 2, 1950) (49 CFR 78.109-7, 1950 Rev.) to read as follows:

§ 78.109 Specification 42D; aluminum drums.

§ 78.109-7 Closures. \* \* \*

(b) Threaded plugs, or caps, and flanges must be close fitting with gasket surfaces which bear squarely on each other when without gasket; they must have not over 8 threads per inch, with 5 complete threads engaged when gasket is in place, or not over 4 threads per inch, with 2 complete threads similarly engaged; two \(^{1}{16}\) inch drainage holes are authorized in flange. Thread form must conform to that shown by drawing below or be of a form that shall provide an equally efficient closure.

[Drawing is the same as shown in § 78.107-7 (b)]

20. In § 78.110-8 amend the introductory text of paragraph (a) (17 F R.

7286, Aug. 9, 1952) (49 CFR 1950 Rev., 1954 Supp., 78.110-8) to read as follows:

§ 78.110 Specification 42F; aluminum barrels or drums.

§ 78.110-8 Marking. (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footing on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

21. In § 78.115-10 amend the introductory text of paragraph (a) (15 F.R. 8448, Dec. 2, 1950) (49 CFR 78.115-10, 1950 Rev.) to read as follows:

§ 78.115 Specification 17C; steel drums.

§ 78.115-10 Marking. (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

22. Amend § 78.116-7 (a) in § 78.116-10 amend the introductory text of paragraph (a) (20 F R. 955, Feb. 15, 1955) (15 F R. 8449 (Dec. 2, 1950) (49 CFR 78.116-7, 78.116-10, 1950 Rev.) to read as follows:

§ 78.116 Specification 17E; steel drums.

 $\S$  78.116-7 Convex heads. (a) Convex (crowned) heads, not extending beyond level of chime, required for drums of 25 gallons capacity or over. Convexity to be minimum of %"

§ 78.116-10 Marking. (a) Marking on each container by embossing on head with raised marks, or by embossing or

die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

23. In § 78.117-11 amend the introductory text of paragraph (a) (15 F. R. 8449, Dec. 2, 1950) (49 CFR 78.117-11, 1950 Rev.) to read as follows:

§ 78.117 Specification 17F steel drums.

§ 78.117-11 Marking. (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter as follows:

24. Amend the heading of § 78.118; in § 78.118–10 amend the introductory text of paragraph (a) (15 F. R. 8450, Dec. 2, 1950) (49 CFR 78.118, 78.118–10, 1950 Rev.) to read as follows:

§ 78.118 Specification 17H, steel drums. Single-trip container. Removable head required.

§ 78.118–10 Marking. (a) Marking on each container by embossing on head, except that such embossiment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

25. In § 78.130-8 amend the introductory text of paragraph (a) (15 F. R. 8454, Dec. 2, 1950) (49 CFR 78.130-8, 1950 Rev.) to read as follows:

§ 78.130 Specification 37K, steel drums.

§ 78.130-8 Marking. (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

\* \* \* \* \* 26. In § 78.131-9 amend the introductory text of paragraph (a) (20 F. R. 4419, June 23, 1955) (49 CFR 78.131-9, 1950 Rev.) to read as follows:

§ 78.131 Specification 37A, steel drums.

§ 78.131-9 Marking. (a) Marking on each container by embossing on head, except that such embossment must be on the permanent head for drums having removable heads, with raised marks, or by embossing or die stamping on footning on drums equipped with footnings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

27. In § 78.132-9 amend the introductory text of paragraph (a) (20 F. R. 4419, 4420, June 23, 1955) (49 CFR 78.132-9, 1950 Rev.) to read as follows:

§ 78.132 Specification 37B; steel drums.

§ 78.132-9 Marking. (a) Marking on each container by embossing on head with raised marks, or by embossing or die stamping on footring on drums equipped with footrings, or on metal plates securely attached to drum by brazing or welding not less than 20 percent of the perimeter, as follows:

SUBPART E—SPECIFICATIONS FOR WOODEN BARRELS, KEGS, EONES, KITS, AND DRUMS

1. In § 78.165-8 (a) Table, amend the column heading "Tops and bottoms" by inserting the figure 2 after the last word; add footnote 2 to paragraph (a) Table (15 F R. 8460, Dec. 2, 1950) (49 CFR 78.165-8, 1950 Rev.) to read as follows:

§ 78.165 Specification 14, wooden boxes nailed.

§ 78.165-8 Parts and dimensions.
(a) \* \* \*

Tops and bottoms.2

2. In § 78.205-9 amend the introductory text of paragraph (a) add § 78.205-31 (19 F. R. 3262, June 3, 1954) (15 F. R. 8476, Dec. 2, 1950) (49 CFR 78.205-9, 78.205-31, 1950 Rev.) to read as follows:

§ 78.205 Specification 12B; fiberboard boxes.

§ 78.205-9 Types authorized. (a) To be of solid or corrugated fiberboard of the following types, or as specifically provided for in §§ 78.205-19 to 78.205-31.

§ 78.205-31 Special box; authorized only for commodities where spec. 12B is prescribed in Part 73 of this chapter. (a) Box shall have not more than 1 inside glass container having screw cap closure or metal container not exceeding 32 ounces or 2 pounds net weight, which must fit snugly or be adequately cushioned to prevent movement. Box shall comply with this specification and be of one-piece folder type, so designed as to form double thickness of corrugated board on top, bottom, and ends. Fiberboard used in construction of the box shall have a minimum strength of 200 pounds per square inch, but for gross weight exceeding 8 pounds, the box must be constructed of at least 275-pound per square inch test fiberboard (Mullen or Cady) Closure must be equal in efficiency to that prescribed in § 78.205-17.

SUBPART F—SPECIFICATIONS FOR FIBEREOARD BOXES, DRULIS, AND MAILING TUBES

1. Add § 78.209 (15 F. R. 8479, Dec. 2, 1950) (49 CFR 78.209, 1950 Rev.) to read as follows:

§ 78.209 Specification 12H; fiberboard boxes.

\*Tops and bottoms may be made of paper covered veneer board of good quality Douglas fir, or lumber of equal quality, having minimum thickness of 16" and free of breaks, gaps, holes, or knots. Paper covering chall be at least Kraft untreated linerboard having a basis weight of 42 pounds per 1000 equare feet and shall be secured to veneer core by adhesive in such manner as to form a catisfactorily laminated board. Board ends must be provided with such reinforcement as may be necessary to provide strength for nailing.

§ 73.209-1 Compliance. (a) Required in all details.

§ 78.203–2 Definitions. (a) Terms such as "200-pound test" mean minimum strength, Mullen or Cady test.

(b) "Joints" are where edges of parts of box are connected together in setting up the box. Generally done by box maker.

(c) "Seams" are where edges of varts of box are visible, except joints, when box is closed.

§ 78.209-3 Classification of board.
(a) Fiberboard is hereby classified by strength of completed board as in first column of the following table; weights specified in the table are the minimum authorized.

	Facines for corregated fiberbeard		
Classified strength t of completed beard	Donbli-faced— Minimum combined weight of facings (rounds per 1,000 eq. it.)	Double-wall— Minimum combined weight of facines in- cluding center liner (pounds per 1,600 sq. it.)	
175 200	## ## ## ## ## ## ## ## ## ## ## ## ## #	52 110 110 123 150 150	

1 Mulion or Cady test (minimum).

§ 7.209-4 Corrugated fiberboard.
(a) Both outer facings water resistant; corrugated sheets must be at least 0.009 inch thick and weigh not less than 26 pounds per 1000 square feet; all parts must be securely glued together throughout all contact areas.

§ 78.209-5 Stitching staples. (a) Of steel wire, copper-coated or equivalent in nonsparking quality, at least  $\%2'' \times 0.019''$ , or equal cross section, formed into staples about %6'' wide.

§ 78.209-6 Tape. (a) Used for manufacturers' joints must be coated with glue at least equal to No. 1 $\frac{3}{4}$  Peter Cooper standard. Cloth tape of strength, across the woof, at least 70 units. Elmendorf test. Sisal tape of 2 sheets of No. 1 Kraft paper, total weight 30 pounds per ream (500 sheets, 24" x 36") sheets to be combined with asphalt and reinforced by unspun sisal fibers completely embedded in the asphalt and extending across the tape.

§ 78.209-7 Test. (a) Acceptable board must have prescribed strength, Mullen or Cady test, after exposure for at least 3 hours to normal atmospheric conditions (50 to 70 percent relative humidity), under test as follows:

 Clamp board firmly in machine and turn wheel thereof at constant speed of approximately 2 revolutions per second.

(2) Six punctures required, 3 from each side; all results but one must show prescribed strength.

(3) Board failing may be refested by making 24 punctures, 12 from each side; when all results but 4 show prescribed strength, the hoard is acceptable.

- (4) For corrugated fiberboard, double-pop tests may be disregarded.
- § 78.209-8 Type authorized. (a) Shall be of corrugated fiberboard, telescoping type, 1-piece or 3-piece construction without recessed heads, as follows:
- (1) Box to consist of top and bottom sections divided equally or unequally and inner lining tube. The lining tube must be staple stitched to the lower section of the box to give in effect a 2-piece box. (See § 78.209-11.)
- (2) Box to consist of full depth top and bottom sections completely telescoping. No inner lining tube required. Two variations are authorized, one with bottom slotted on ends and cover on sides, second, with both cover and bottom slotted on sides.
- (3) Box to consist of 1-piece or 3-piece, without recessed heads, fitted with lining tube as prescribed in § 78.209-11. Flaps must butt or have full overlap excepting that inner flaps may overlap ½ inch
- § 78.209-9 Forming. (a) Parts must be cut true to size and so creased and slotted as to fit closely into position without cracking, surface breaks, separation of parts outside of crease, or undue binding.
- § 78.209-10 Joints. (a) Lapped 1½" and stitched at 2½" intervals and within 1" of each end of joint; body joints must be double-stitched (2 parallel rows of stitches)
- (b) For glued lap joint, the sides of box forming joint must lap not less than 1½" and be firmly glued throughout entire area of contact with a glue or adhesive which cannot be dissolved in water after the film application has dried.
- (c) For lining tubes only, one butt joint taped (see § 7.209-6) tape not less than 3" wide is authorized.
- § 78.209-11 Authorized gross weight and parts required. (a) Box shall be corrugated fiberboard at least 275 pound test. Tubes, when required, shall be of solid fiberboard at least 200-pound test, or of corrugated fiberboard of at least 275-pound test, with adjoining edges stitched, taped, or glued.
- (b) Authorized gross weight: 65 pounds.
- § 78.209-12 Closing for shipment.
  (a) The cover of telescoping type boxes shall be secured to the bottom by application of single strips of tape, not less than ½" wide, to the sides and in a vertical manner; two strips, one on each side for containers 18" in length or under; four strips, two on each side, minimum for containers over 18" in length. On boxes with divided covers the taping shall start within 1" of the topside score and extend to within 1" of the side-bottom score and in no case shall the strips be less than 4" in length. On boxes with full depth covers the tape shall be at least 4" in length disposed equally on side and bottom.
- (1) Tape used for closing must be pressure sensitive, filament reinforced. Tape backing shall have a minimum longitudinal tensile strength of 160 pounds per inch of width and a minimum elongation of 12 percent at break. The tape shall have sufficient transverse strength

- to prevent raveling or separation of the filaments. Tape shall have an adhesion of 18 ounces per inch of width minimum when tested according to acceptable methods. Tape shall adhere immediately and firmly to fiberboard surface when applied with hand pressure in the temperature range of 0° to 120° F No solvent or heat shall be necessary to activate the adhesive. The tape must be manufactured of material which will not delaminate or separate when submerged in water for 72 hours and which will not show any delamination or bleeding up to 160° F., and which will not lose its strength, delaminate or become brittle at 0° F
- (2) Water activated tapes are authorized when approved by the Bureau of Explosives.
- (3) Other tape equal in efficiency and capable of withstanding drop and drum tests prescribed in § 78.209–16 are authorized.
- (b) For 1-piece or 3-piece type boxes as prescribed in § 78.209-8 (a) (3) by coating with adhesive at least 50 percent of the entire contact surface of the closing flaps or by one of the following methods:
- (1) By stitching at 2½" intervals along all seams (one 5" space allowed when necessary to permit use of stitching device)
- (2) By not less than three strips of paper tape having a minimum width of 2" Paper tape must be coated with glue, be of 2 sheets Kraft paper laminated with asphaltic or resin combined with synthetic, glass, or natural fibers satisfactorily dispersed therein, and at least equal to that prescribed in § 78.209-6 (a) One strip to be applied approximately equal distance across the top face of box over the seam, formed by abutting or overlapping outer flaps and extended onto the side panels a minimum distance of 1" beyond the top score line. The 2 other strips shall be placed parallel and approximately equal distance over the joint formed by the top flaps and the side; each strip shall cover a minimum of 30 percent of the center part of this joint.
- (c) In addition to the method prescribed in paragraph (a) boxes authorized by § 78.209-8 (a) (1) may be closed by securing the upper and lower sections of the container together by application of one single strip of tape not less than 1" wide, exclusive of manufacturer's joint, disposed entirely around the perimeter of the container and spaced approximately equally distant over each portion of the container at the seam of abutting covers. The ends of the tape around the perimeter of the container must overlap 1½" minimum. The tape shall be pressure sensitive, paper backed. The basic weight of the paper shall be not less than 70 pounds per ream after sizing and coating. Longitudinal tensile strength shall be not less than 50 pounds per inch of width and the latitudinal strength shall be not less than 11 pounds per inch of width.
- § 78.209-13 *Marking*. (a) On each container. Symbol in rectangle as follows:

ICC-12H\*\*

- (1) Stars to be replaced by authorized gross weight (for example ICC-12H65) This mark shall be understood to certify that the container complies with all specification requirements.
- (2) Name and address of plant making the container symbol (letters) authorized if recorded with the Bureau of Explosives. This mark to be located just above or below the mark specified in paragraph (a) of this section.
- (3) Size of markings. At least ½" high.
- § 78.209-14 Special tests. (a) By whom and when. By or for each plant making the boxes; at beginning of manufacture and at six-month intervals thereafter; on largest size, by weight, above and below 35 pounds gross. Report of results, with all pertinent data, to be maintained on file for one year; copy to be filed with the Bureau of Explosives.
- § 78.209-15 *Material*. (a) Box material must comply with requirements of §§ 78.209-3, 78.209-4, 78.209-7, 78.209-11, and the following:
- (b) Box material must test strength and moisture content not over 30 percent as follows:
- (1) Box material must test at least 200 pounds per square inch immediately after exposure for 3 days to 90 percent relative humidity of not less than 70° nor more than 75° F
- (2) Box material must test at least 100 pounds per square inch immediately after it has been in contact with water for 3 hours under 3" head at not less than 70° nor more than 75° F
- § 78.209-16 Completed container
  (a) Samples must pass the following immediately after exposure for 2 weeks to 90 percent relative humidity at not less than 70° nor more than 75° F., loaded containers shall contain dummy contents of shape and weight of the expected contents, and shall be closed in the same manner as for shipment:
- (1) Three loaded samples to be tested. Each must withstand 200 drops in standard 7-foot revolving test drum with pointed hazard in place, without spilling any contents.
- (2) Three loaded samples to be tested. Each must withstand end to end pressure of at least 500 pounds without deflection of over 11/2"
- (3) Three empty samples to be tested. Each must withstand top to bottom pressure of at least 500 pounds without deflection of ½"
- (b) As an alternate to the drum test specified in paragraph (a), 3 loaded samples must pass the drop test specified below.
- Box shall be dropped from height of 2 feet.
- (2) Identification of face, edge, and corners. Facing one end (with the manufacturer's joint on the observer's right), the top of the box is designated as 1, the right side as 2, the bottom as 3, and the left side as 4. The near end is designated as 5 and the far end as 6. The edges are identified by the number of the two faces which make that edge, as for example, 1-2 identifies the edge where the top and right side meet and 2-5 the edge having the manufacturer's

joint. The corners are identified by the number of the three faces which meet to form that corner, as for example, 1-2-5 identifies the corner where the top, the right side, and the near end meet.

(c) Drop sequence as follows:

(1) A corner drop on 1-2-5.

(2) An edge drop on the shortest edge radiating from that corner (usually 2-5)

(3) An edge drop on the next shortest edge radiating from that corner (usually 1-5)

(4) An edge drop on the longest edge radiating from that corner (usually 1-2).

(5) A flatwise drop on one of the smallest faces (usually end 5 or 6)

(6) A flatwise drop on the opposite smallest face.

(7) A flatwise drop on one of the medium faces (usually side 2 or 4)

(8) A flatwise drop on the opposite medium face.

(9) A flatwise drop on one of the largest faces (usually top 1 or bottom 3)

(10) A flatwise drop on the opposite

large face.

This completes one cycle of ten drops. Commence the next cycle, with a drop on the corner diagonally opposite through the box to the corner on which the first drop was made, on corner 3-4-6. Commence the third cycle of ten drops with corner 1-4-5. Each loaded container must withstand 3 cycles without spilling or sifting of contents.

2. Amend § 78.214-11 paragraph (a) (15 F. R. 8479, Dec. 2, 1950) (49 CFR 78.214-11, 1950 Rev.) to read as follows:

§ 78.214 Specification 23F · fiberboard boxes.

§ 78.214-11 Joints. (a) Lapped 1½" except as in § 78.214-12; stitched at 2½" intervals and within 1" of each end of joint; double-stitched (2 parallel stitches) at each end of joint over 18" long; or lapped not less than 1¾" and firmly glued throughout entire area of contact with a glue or adhesive which cannot be dissolved in water after the film application has dried.

3. Amend § 78.219-7 paragraph (a) amend § 78.219-11 paragraph (b) (17 F. R. 1564, Feb. 20, 1952) (19 F. R. 6275, Sept. 29, 1954) (49 CFR 1950 Rev., 1954 Supp., § 78.219-7, § 78.219-11) to read as follows:

§ 78.219 Specification 23H, fiberboard boxes.

§ 78.219-7 Type authorized. (a) Of solid fiberboard, telescoping type construction without recessed heads. Box to consist of top and bottom sections, divided equally or unequally, and inner lining tube or full depth cover 2-piece telescope type in which case the lining tube may be omitted. The lining tube, when required, must be staple stitched to the lower section of the box to give in effect a 2-piece box.

§ 78.219-11 Authorized gross weight (when packed) and parts required.

(b) Authorized gross weight: 65 pounds when 2 or more lining tubes are used to divide the box into 2 or more compartments; 65 pounds when 1 or more lining tubes are used and contents

will consist of I cartridge only or of black powder in bags; 35 pounds in all other cases except that boxes having a single solid fiberboard lining tube, the fiberboard weighing at least 283 pounds per 1,000 square feet, are authorized for 65 pounds gross weight. Boxes of 2-piece telescope type having full depth cover are authorized for 65 pounds gross weight.

# SUBPART H—SPECIFICATIONS FOR PORTABLE TANKS

Amend § 78.250-5 paragraph (a) (3) (20 F. R. 955, Feb. 15, 1955) (49 CFR 78.250-5, 1950 Rev.) to read as follows:

§ 78.250 Specification 55; mctal-encased, lead-shielded, radioactive materuls container.

§ 78.250-5 Marking. (a) \* \* \* (3) Name or symbol (letters) of maker or user assuming responsibility for compliance with specification requirements; this must be recorded with the Bureau of Explosives.

SUBPART I-SPECIFICATIONS FOR TAME CARS

1. Amend § 78.280 paragraph ICC-9
(b) add paragraph AAR-9 (b) (15 F. R.

8508, Dec. 2, 1950) (40 CFR 78.280, 1950 Rev.) to read as follows:

§ 78.280 Specification for tank cars having fusion-welded steel tanks, Class ICC-103-W • • •

ICC-9. Expansion dome. • • • ICC-9. (b) The opening in the manhole ring must be at least 16 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter. When the opening in the tank shell exceeds 30 inches in diameter, the opening must be reinforced in an approved manner. When the opening in the tank shell is less than the incide diameter of the dome, and the dome packet is not closed off in an approved manner, dome packet drain holes must be provided in the tank shell with nipples projecting incide the tank at least I inch.

AAR-9. (a) • • • AAR-9. (b) Tank shell reinforcement at dome opening see Figure 24 Appendix C.

2. In Part 78, Subpart I, Appendix C, replace Figures 24, 24A, and 24B with new Figure 24, including Notes 1 to 5 thereto (15 F. R. 8538, Dec. 2, 1950) (16 F. R. 5340, 5341, June 6, 1951) (49 CFR. 1950 Rev., 1954 Supp., Part 78, Subpart I. Appendix C) as follows:

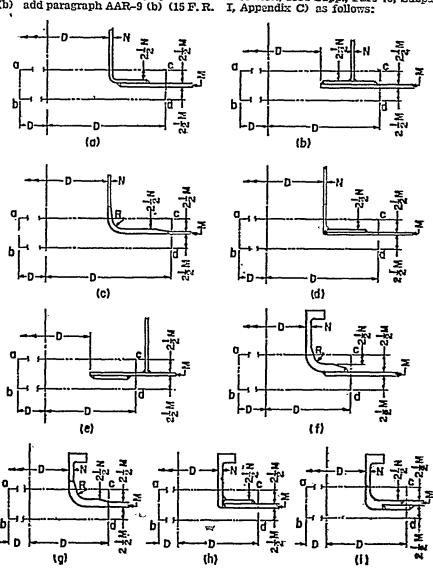


FIGURE 24—Acceptable designs for reinforced openings in tank shell. Other approved designs permitted for type (c), (f) and (g), see note 2.

Note 1. Reinforcement in tank shell shall be calculated by the following method:

Area available			
abcd			
Area required:	=2 <i>DTe</i>	 =	=
Excess	area	 	=

D= diameter of opening in tank shell, or diameter of the dome (or nozzle), whichever is least.

d = inside diameter of tank.

E = joint efficiency for tank shell 0.90.

e= 0.90 when opening is in solid plate or flued type reinforcement.
 e= 1.00 when opening intersects any joint

in the tank shell.

M = actual tank shell thickness.

N= actual dome or nozzle wall thickness. P= bursting pressure in pounds per square inch.

R = corner radius of flued type reinforcement.

S= ultimate tensile strength in pounds per square inch (see table A, following Note 5, below)

T = calculated shell thickness required  $=\frac{Pd}{2SE}$ 

Note 2: The boundary of reinforcement zone shall be determined as follows:

The length ac or bd shall be equal to the The length ac or ba shall be equal to the diameter of the opening in the tank shell, see figure 24 (b) and (e), or the diameter of the dome (or nozzle), whichever is least, on each side of the axis of the opening. The dimension ab or cd shall not exceed 2½ times the actual shell thickness, or 2½ times the dome shell (or nozzle) wall thickness. ness plus the thickness of any added reinforcement, whichever is least, above and be-low the tank shell; except that for reinforcement flued from solid plate, this dimension may be equal to the corner radius R above the reinforcement, but must not exceed 3 inches. When the dome shell is located outside the reinforcement boundary abcd, as shown in figure 24 (e), only 21/2 M shall determine the dimension above and below the tank shell.

Note 3: The required reinforcement area? shall be provided in all planes passing through the center of the opening and normal to the tank surface.

Nore 4. Any weld metal within the boundary of reinforcement may be included as area available.

Note 5: No metal added as corrosion allowance may be considered as reinforcement.

TABLE A-MAXIMUM STRESS(ES) TO BE USED IN CALCULATIONS

Material specification	Tensile strength minimum	Elonga- tion in 2 inches minimum percent
Group 1		
AAR M-115.  ASTM A-285 Grade C.  ASTM A-212 Grade A.  ASTM A-212 Grade B.  ASTM A-201 Grade A.	55, 000 55, 000 65, 000 70, 000 55, 000	20 20 20 20 20 25
Group 2		
ASTM B-178 Alloy 996AASTM B-178 Alloy 990AASTM B-178 MI AASTM B-178 MI AASTM B-178 Alloy GS 11AASTM B-178 Alloy GR 20AASTM B-178 Alloy GR 40A	9,500 11,000 14,000 24,000 25,000 30,000	25 28 23 5 18 18
Group 3		
ASTM A-240 Grade A	65,000 70,000 75,000 70,000 75,000 60,000 75,000 75,000	22 22 30 22 30 25 30 30

TABLE A-MANIMUM STRESS(ES) TO BE USED IN CALCULATIONS—Continued

Material specification	Tensile strength minimum	Elonga- tion in 2 inches minimum percent
Group 4		
ASTM B-162. Grade M1 modified .03 carbon	40,000	20
maximum.  Grade S modified .03 carbon	70,000	30
maximum	70,000	30

SUBPART J-SPECIFICATIONS FOR CONTAIN-ERS FOR MOTOR VEHICLE TRANSPORTATION

Add § 78.325 (15 F R. 8554, Dec. 2, 1950) (49 CFR 78.325, 1950 Rev.) to read as follows:

§ 78.325 Specification MC 304 for cargo tanks for the transportation of flammable liquids and poisonous liquids class B having Reid (ASTM D-323) vapor pressures of 18 pounds per square inch absolute at 100°F

§ 78.325-1 Scope. (a) This specification is primarily intended to apply to the design and construction of new cargo tanks of tank motor vehicles to be used for the transportation of flammable liquids or poisonous liquids class B, having Reid (ASTM D-323) vapor pressures of 18 pounds per square inch absoute (18 psia) or more at 100° F., but less than those stated in § 73.300 of this chapter. in defining compressed gases.

§ 78.325-2 Existing tank motor vehicles continuing in service. (a) Cargo tanks of tank motor vehicles used for the transportation of flammable liquids or poisonous liquids class B, which shall have been in service prior to the effective date of this order may be continued in service and may be used for the transportation of materials specified in § 78.325-1, provided that they have been designed and constructed in accordance with specifications MC 300, 301, 302, or 303, and provided further that such tanks can and do, within three months of the effective date of this order, successfully pass the tests prescribed in § 78.325–5.

§ 78.325-3 New tank motor vehicles.
(a) Except as provided elsewhere in these regulations, every new cargo tank manufactured on or after (three months after the effective date of the order) for the transportation of any flammable liquid or poisonous liquid Class B, having a Reid (ASTM D-323) vapor pressure of 18 psia or higher at 100° F shall comply with the requirements of this specification. A certificate from the manufacturer of the cargo tank, or from a competent testing agency, certifying that each such tank is designed and constructed in accordance with the requirements of the specification shall be procured, and such certificate shall be retained in the files of the carrier during the time that such tank is employed in such transportation by him. In lieu of this certificate, if the motor carrier himself elects to ascertain if any such tank fulfills the requirements of this specification by his own tests and examinations, he shall similarly retain the test and examination data.

§ 78.325-4 Marking of cargo tanks-(a) Metal identification plate. There shall be on every cargo tank complying with all requirements of this specification a metal plate located on the right side, near the front, in a place readily accessible for inspection. This plate shall be permanently affixed to the tank by means of soldering, brazing, welding or other equally suitable means; and upon it shall be marked by stamping, embossing or other means of forming letters into or on the metal of the plate itself, in the manner illustrated below, at least the information indicated below. The plate shall not be so painted as to obscure the markings thereon.

> Carrier's Serial Number Manufacturer's Name Date of Manufacture ICC MC 304

Design working pressure\_\_\_\_\_ p. s. i. g. Test pressure\_\_\_\_\_\_p.s.i.g.
Nominal tank capacity\_\_\_\_\_ U. S. gallons. (In compartments of \_\_, \_\_, and \_\_ U. S. gallons)

(b) Existing tanks not meeting all requirements of this specification and continuing in service in accordance with § 78.325-2 shall be marked by the number "304" applied adjacent to the existing specification number, which number and other data on the original metal identification plate shall remain legible.

(c) Test date and pressure markings. The date of the last test or retest of the type required by this specification shall be painted on the tank in letters not less than one and one-fourth inches high, in legible colors, immediately below the metal identification plate specified in paragraph (a) of § 78.325-4. The test pressure shall be similarly indicated by painting on tanks requiring the test pressure of 50 p. s. i. g. in accordance with § 78.325-2.

(d) All tank inlets and outlets, except safety relief valves, shall be marked to indicate whether they communicate with vapor or liquid when the tank is filled to the maximum permitted filling level.

(e) Certification by markings. The markings specified in paragraphs (a), (c) and (d) in § 78.325-4 shall serve to certify that the tank complies with all requirements of this specification.

§ 78.325-5 Test and retest requirements-(a) Method of testing and retesting. For each existing specification MC 300, MC 301, MC 302, and MC 303 tank not complying with all require-ments of this specification and continuing in service in accordance with the provisions of § 78.325-2 (see § 78.325-4 (b) regarding marking of such tanks). the standard test pressure for each required initial test and retest shall be 50 pounds per square inch gauge (50 p. s. i. g.) For each tank complying with all requirements of this specification, whether new or existing, the standard test pressure for each required initial test and retest shall be 40 pounds per square inch gauge (40 p. s. i. g.)

(1) Every cargo tank, and all piping, valves, and other accessories thereof which are subject to the pressure of the tank contents, except safety valves, shall be tested and retested by complete filling (including domes, if any) with water or other liquid having a similar viscosity and applying a pressure of not less than the standard test pressure above specified.

The pressure shall be gauged at the top of the tank. The tank must hold the prescribed pressure for at least 10 min-While under pressure, the tank shall be inspected for leakage, corroded areas, bad dents, or other conditions which indicate weakness that might render the tank unsafe for transportation service, and it shall not be placed in or returned to service if any evidence of such unsafe condition is discovered, until the deficiencies have been corrected and the tests repeated and passed successfully. The tank lagging and its jacket, if installed, need not be removed unless it is found to be impossible to reach the test pressure and to maintain a condition of pressure equilibrium after the test pressure is reached. All tank accessories shall be leakage tested after installation and proved tight at not less than the design working pressure of the tank, except that hose used on such tanks may be tested either before or after installation.

- (b) Times of testing and retesting. The test specified in § 78.325–5 (a) shall be made or repeated on each cargo tank used for the transportation of materials specified in § 78.325–1 under the following circumstances, and such tanks as do not pass the test shall be withheld from service until the required tests have been made on such tanks and passed successfully.
- (1) Whenever any tank, new or old, is acquired by a motor carrier;
- (2) On each existing tank continuing in service in accordance with § 78.325-2, which tank has not been so tested within 21 months of the effective date of this order. The test required by § 78.325-2 shall be made within three months of the effective date of this order;
- (3) On each tank which has been out of service for one year or longer;
- (4) When or before the test date required by § 78.325-4 to be painted on the tank is five years old;
- (5) When or before the test date required by § 78.325-4 to be painted on the tank is two years old, in the case of tanks not complying with all requirements of this specification but continuing in service as authorized in § 78.325-2;
- (6) After the tank concerned has been involved in any accident in which the tank or any of its associated parts has been damaged in a manner likely to affect the safety of operation of the vehicle, or in which the damage to the vehicle is such as to make the safety of the tank uncertain:
- (7) When required by the Commission, in its discretion, on the showing of probable cause of the necessity for testing or retesting.
- § 78.325-6 Requirements for design and workmanship. (a) Tanks con-

structed in accordance with this specification shall be of circular cross section and all-steel or aluminum construction, except that gaskets need not be metallic and except that piping and valves need not be ferrous metal or aluminum. Non-malleable materials shall not be used in the construction of the tank, its mountings and protective devices, or any valves, piping, or fittings. The metal and gaskets shall be substantially immune to chemical attack by the materials to be transported therein, or shall be suitably lined to prevent corrosive attack, or shall have the thickness of the material suitably increased over that required elsewhere in this specification by an amount sufficient to provide for such corrosion during the estimated useful life of the tank. Joints in the tank structure may be made by welding, and may be reinforced where desired. Care shall be taken to avoid damage by galvanic action due to the presence of dissimilar metals at joints.

(b) All aluminum cargo tanks and appurtenances built to this specification shall be fabricated of alloys authorized for welded construction by the 1952 edition of the ASME Code for Unfired Pressure Vessels. A certification from the material supplier will suffice as evidence of compliance with this requirement.

(c) Every cargo tank shall be constructed in accordance with the best known and available practices, in addition to the other requirements of this specification.

§ 78.325-7 Design working pressure.
(a) The design working pressure of each tank shall be not less than 25 pounds per square inch gauge (25 p. s. i. g.).

§ 78.325-8 Minimum thickness of material. (a) Tanks for this service may be constructed of mild steel, high tensile steel, or aluminum. The material thicknesses shall not be less than those obtained by applying the following formulae, nor less than those specified in paragraph (d) of § 78.325-8.

Thickness of shell= $T_s = \frac{PD}{2SE_s}$ 

Thickness of heads= $T_h = \frac{0.85PL}{SE_h}$ 

(for pressure on concave cide only)

 $T_3$ =Minimum thickness of shell material, exclusive of allowance for correction or other loadings.

The Minimum thickness of head material, after forming, exclusive of allowance for corresion and other leadings.

P=Design pressure or maximum allowable working pressure, pounds per square inch. The maximum allowable working pressure for aluminum shells shall be specified on the basis of the minimum tensile strength of the head material for the alloy used.

D= Incide diameter of shell, inches.
 L= Incide crown radius of head, inches.
 S= Maximum allowable stress value, pounds per square inch—equals one-fourth of specified minimum ultimate tencile strength.

E<sub>5</sub>=Lowest efficiency of any longitudinal joint in shell.

 $E_h =$ Lowest efficiency of any joint in head.

The knuckle radius of the head shall not be less than three times the material thickness and the straight flange shall be not less than one inch.

For heads with pressure on the convex side, the material thickness as obtained by the above formula shall be increased by 67 percent unless such heads are adequately braced to prevent exceptive distortion.

(b) Corrosion allowance: Vessels or parts of vessels subject to thinning by corrosion, erosion, or mechanical abrasion shall have provision made for the desired life of the vessel by a suitable increase in the thickness of the material over that determined by the design formulae, or by using some other suitable method of protection. Material added for these purposes need not be of the same thickness for all parts of the vessel if different rates of attack are expected for the various parts.

(c) Other loadings: In addition to the material requirements as specified in paragraphs (a) and (b) of § 78.325-8, vessels shall be provided with stiffeners or other additional means of support if necessary to prevent overstress or large distortions due to the following other loadings:

(1) Impact loads.

(2) Weight of vessel and contents but not less than the water weight of tank and contents.\*

(3) Superimposed loads such as operating equipment, insulation and piping.

(4) Reactions of supporting lugs or saddles.

(5) Effect of temperature gradients.

(d) Minimum thicknesses of mild steel tank sheets in U. S. standard gauges. (These thicknesses are to be multiplied by 1.44 for aluminum.)

	Galling per inch of tank length						
	10 er læs	Over 10 to 14	Over 14 to 18	Over 18 to 22	0ver 22 to 25	Over 26 to 20	Over 20
Heads, bulkheads and baffles	14	13	12	п	10	Œ	8
Distance between attachments of bulkheads, haffles or other shell stiffeners: 37 inches or less Over 33 inches to 34 inches Over 34 inches to 50 inches	74 14 14	14 14 13	14 13 12	n n	12 11 10	17 10 9	10 9 8

<sup>&</sup>lt;sup>2</sup>For determining the weight of the water contents of the tank, a gallon of water (231 cubic inches) shall be considered to weigh 8.32823 pounds.

All material used in the shell, heads and bulkheads of the cargo tank, shall meet or exceed the following minimum requirements:

		Aluminum					
	Steel—All vessel parts	Heads, bulkheads, baffles and other shell stiffeners.	Shell				
Yield pointUltimate strengthElongation, 2-inch sample	25,000 pounds per square inch. 45,000 pounds per square inch. 20 percent	9,500 pounds per square inch. 25,000 pounds per square inch. 18 percent.	23,000 pounds per square inch. 31,000 pounds per square inch. 7 percent.				

Minimum thicknesses of high-tensile steel tank sheets, in U.S. Standard gauges:

	Gallons per inch of tank length						
	10 or less	Over 10 to 14	Over 14 to 18	Over 18 to 22	Over 22 to 26	Over 26 to 30	Over 30
Heads, bulkheads and baffles	15	14	13	12	11	10	9
Distance between attachments of bulkheads, baffles or other shell stiffeners: 36 Inches or less Over 36 Inches to 54 Inches	16 16 15	16 15 14	15 14 13	14 13 12	13 12 11	12 11 10	11 10 9

All material used in accordance with this table of minimum thicknesses shall meet or exceed the following minimum requirements:

Yield point\_\_\_\_\_\_ 50,000 p. s. i. Ultimate strength\_\_\_\_\_ 65,000 p. s. i. Elongation, 2" sample\_\_\_\_\_ 20 percent

- § 78.325-9 Bulkheads and baffles. (a) When bulkheads not required: No bulkheads shall be required in any cargo tank regardless of capacity which is used in service in which there is never less than 80 percent of the capacity volume of the tank while in transportation over the highway and which in service has its entire contents discharged at one unloading point, provided that this requirement shall not apply to tanks operating in or through any jurisdiction where State or local regulations require seasonal reduction of vehicle weight limitations during the time such reductions are in force.
- (b) When bulkheads required: Except as provided in paragraph (a) in § 78.325-9, every cargo tank having a total capacity in excess of 3,000 gallons shall be divided by bulkheads into compartments none of which shall exceed 2.000 gallons. Each bulkhead required by this paragraph shall be of the same minimum strength as is required elsewhere in this specification for tank
- (c) Double bulkheads. Tanks with compartments carrying flammable liquids of different shipping names or with compartments containing flammable or poisonous liquids and liquids not so classified by the regulations, shall be provided with an air space between compartments. This air space shall be equipped and maintained with drainage facilities operative at all times.
- (d) Baffles or shell stiffeners. Every cargo tank or compartment of a cargo tank over 90 inches in length shall be provided with baffles or equivalent shell stiffeners so located that the maximum distance between any two baffles or stiffeners and between any baffle or stiffener

and the nearest tank head or bulkhead shall not exceed 60 inches.

§ 78.325-10 Tank outlets. (a) Outlet fixtures of tanks shall be substantially made and attached to the tank in such a manner as to prevent breakage at the outlet point.

§ 78.325-11 Pipe joints. (a) Welded pipe joints shall be used wherever possible. Joints in copper tubing shall be of the brazed type or of an equally strong metal union type. The melting point of brazing material must not be less than 1000° F' Such joints shall in any event be of such a character as not to decrease the strength of the tubing, as by the cutting of threads.

§ 78.325-12 Strength of piping, fittings, hose and hose couplings. (a) Hose, piping and fittings shall be designed for a bursting pressure at least 100 pounds per square inch gauge (100 psig) and not less than four times the pressure to which, in any instance, it may be subjected in service by the action of a pump or other device (not including safety relief valves) the action of which may be to subject certain portions of the tank piping and hose to pressures greater than the design working pressure of the tank. Any coupling used on hose to make connections shall be designed for a working pressure not less than 20 percent in excess of the design working pressure of the hose and shall be so designed that there will be no leakage when connected.

§ 78.325-13 Filling and discharge shut-off-valves. (a) Filling and discharge lines shall be provided with shutoff valves located as close to the tank outlet as is possible. If such valves are not manually operated, they shall be of an automatic quick-closing internal valve type or an automatic shut-off type provided that if such valves are used, the lines must have a manually-operated shut-off valve located in the line ahead of the hose connection. Stop-check or excess flow valves shall not be used to satisfy the requirements of this section. § 78.325–14 S a f e t y devices—(a) Safety relief valves required. Each tank and each compartment of a tank shall be provided with one or more safety relief valves of the springloaded type, arranged to discharge upward and unobstructed in such a manner as to prevent any impingement of escaping gas upon the tank.

(b) Relief valve capacity. The required safety relief valves shall be set to start to discharge at a pressure not exceeding 26 pounds per square inch gauge (26 psig) and to close after discharge at a pressure not lower than 25 pounds per square inch gauge (25 psig) At a pressure not exceeding 30 pounds per square inch gauge (30 psig) they shall have a discharge capacity not less than that of an unobstructed opening of one square inch (1 sq. in.) for each 35 square feet (35 sq. ft.) of exterior area of the tank or compartment to which they are connected, provided that two or more such valves may be used on the same tank or compartment to obtain the discharge capacity herein required.

(c) Markings on relief valves. Each safety relief valve shall be plainly and permanently marked (1) with the pressure in pounds per square inch gauge at which it is set to start to discharge, (2) with the actual rate of discharge of the device in cubic feet per minute of air at 60° F and atmospheric pressure and (3) with the manufacturer's name and catalogue number. The rated discharge capacity of the device shall be determined at a pressure of 30 pounds per square inch gauge (30 psig)
(d) Connections to relief valves.

Connections to safety relief valves shall be of sufficient size to provide the required rate of discharge through the

safety relief valves.
(e) Protection of relief valves. Safety relief valves shall be arranged so that the possibility of tampering will be minimized. If the pressure setting or adjustment is external, the safety relief valves shall be provided with suitable means for sealing the adjustment.

(f) Shut-off valves. No shut-off valves shall be installed between the safety relief valves and the tank except in cases where two or more safety relief valves are installed on the same tank, a shut-off valve may be used where the arrangement of the shut-off valve or valves is such as always to afford full required capacity flow through at least one safety relief valve.

(g) Connection of safety relief valve to vapor space. Safety relief valves shall have direct communication with the

vapor space of the tank.

(h) Prevention of excessive hydrostatic pressure. Any portion of liquid piping or hose which at any time may be closed at each end must be provided with a safety valve to prevent excessive hydrostatic pressure. This safety relief valve must not have an intervening shut-off valve ınstalled.

(i) Automatic excess-flow Each cargo tank outlet shall be provided with a suitable automatic excess-flow valve or, in lieu thereof, may be fitted with a quick-closing internal valve designed, installed and operated so as to assure against escape of the contents in

event of failure of the outlet. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located inside the tank or shall be located within a welded flange or its companion flange, or within a nozzle, or within a coupling. The installation shall be made in such a manner as reasonably to assure that any undue strain which causes failure requiring functioning of the valve shall cause failure in such a manner that it will not impair the operation of the valve, except that safety device connections and liquid level gauging devices, which are so constructed that the outward flow of tank contents shall not exceed that passed by a No. 54 drill size opening, are not required to be equipped with excess-flow valves.

(j) Excess-flow valve settings. Excess-flow valves shall be so installed and adjusted that they close automatically at the rated flows of gas or liquid as specified by the valve manufacturer.

(k) Capacity of connections to valves. The connections or lines on each side of an excess-flow valve, including valve fittings, etc., shall have a greater capacity than the rated flow of the excess-flow valve.

(1) By-pass of valve. Excess-flow valves may be designed with a by-pass, not to exceed a No. 60 drill size opening, to allow equalization of pressures.

(m) Utilization of stop-check valves forbidden. The use of combination stop-check valves to satisfy with one valve requirements of § 78.325-13 and § 78.325-14 (j) and (k) is forbidden.

§ 78.325-15 Pumps. (a) Liquid pumps, whenever used, must be of suitable design, adequately protected against breakage by collisions, and kept in good condition. They may be driven by motor vehicle power take-off or other mechanical, electrical or hydraulic means. Unless they are of the centrifugal type, they shall be equipped with suitable pressure actuated by-pass valves permitting flow from discharge to suction or to the tank.

§ 78.325-16 Provision for expansion and vibration. (a) Suitable provision shall be made in every case to allow for and prevent damage due to expansion, contraction, jarring and vibration of all pipe. Slip joints shall not be used for this purpose.

§ 78.325-17 Shear section. (a) There shall be provided between each excess-flow valve seat or internal valve seat, and draw-off valves, a shear section which will break under strain, unless the discharge piping is so arranged as to afford equivalent protection, and leave the excess-flow valve seat or the internal valve seat intact in case of accident to the draw-off valve or piping.

§ 78.325–18 Protection of piping and appurtenances. (a) Piping, fittings and valves projecting beyond the frame, or if the vehicle be frameless beyond the shell, shall be adequately protected by steel bumpers or other equally effective devices, against collision. Any other part of any cargo tank connected with its

cargo space and similarly protruding undue concentration of stresses and shall be similarly protected. undue concentration of stresses and shall be built to withstand leadings in

78.325-19 Overturn protection, (a) All closures for filling openings shall be protected from damage in the event of overturning of the motor vehicle by being enclosed within the body of the tank or dome attached thereto or by the use of suitable metal guards securely attached to the tank or the frame of the motor vehicle. Protection shall also be provided for any protruding or projecting fitting or appurtenance by means of adequate metal guards. The calculated load for the protective devices shall be the weight of the tank motor vehicle with the tank full of water, at one "g" deceleration. If the overturn protection is so constructed as to permit accumulation of liquid on the top of the tank, it shall not be provided with drainage facilities which will permit drainage at or near the front of the tank.

§ 78.325-20 Liquid level gauging denices. (a) Every cargo tank, except tanks filled by weight, shall be equipped with one or more gauging devices which shall indicate accurately the maximum permitted liquid level in each compartment. Additional gauging devices may be installed but may not be used as primary controls for filling of cargo tanks at pressures above atmospheric. Acceptable gauging devices for use at pressures above atmospheric are the rotary tube, the adjustable slip tube and the fixed length dip tube. Gauge glasses are not permitted to be installed on any cargo tank.

(b) Fixed level indicators: All liquid level gauging devices, except those on tanks provided with fixed maximum level indicators, shall be legibly and permanently marked in increments of not more than 20° F to indicate the maximum levels to which the tank may be filled with liquid at temperatures above 20° F. In the event that it is impractical to put these markings on the gauging device, this information shall be marked on a suitable plate affixed to the tank in a location adjacent to the gauging device.

(c) Dip tubes: A fixed length dip tube gauging device, when used, shall consist of a dip pipe of small diameter equipped with a valve at the outer end, and extending into the tank to a specified fixed length. On horizontally-mounted cylindrical tanks, the fixed length to which the tube extends into the tank shall be such that the device will function to indicate when the liquid, at a point equidistant from the heads of the tank in a vertical plane containing the longitudinal axis of the tank, reaches the maximum level permitted by the regulations in this part. On spherical tanks and on vertically-mounted cylindrical tanks, the fixed length to which the tube extends into the tank shall be such that the device will function to indicate when the liquid at a point on the vertical axis of the tank in its normal position reaches the maximum level permitted by the regulations in this part.

§ 78.325-21 Anchoring of tank. (a) Adequate hold-down devices shall be provided to anchor each cargo tank in a suitable manner that will not introduce

undue concentration of stresses and shall be built to withstand loadings in any direction equal to the weight of the tank and attachments when filled with water. These devices on vehicles with frames shall incorporate turnbuckles of similar positive action devices for drawing the tank down tight on the frame of the motor vehicle.

(b) Stops and anchors: Suitable stops and anchors shall be attached to the motor vehicle and the tank to prevent movement between them due to starting, stopping and turning. These stops or anchors shall be installed so as to be readily accessible for inspection and maintenance except that lagging for lagged tanks is permitted to cover such stops and anchors.

(c) Anchoring integral tanks: Whenever any cargo tank is so designed and constructed that the cargo tank constitutes, in whole or in part, the stress member used in lieu of a frame, then such cargo tanks shall be designed so as to successfully and adequately withstand the stresses thereby imposed in addition to those created by the working pressure.

2. Amend § 78.331-13 (18 F. R. 6734, Oct. 27, 1953) (49 CFR 1950 Rev., 1954 Supp., 78.331-13) to read as follows:

§ 78.331 Specification MC 311, cargo tanks.

§ 78.331–13 Heads, bulkheads and baffles. (a) Flat heads or flat bulkheads without reinforcement are not permitted. The use of baffles is not a specification requirement.

3. In § 78.336-1 add exception to paragraph (a) and amend paragraphs (b) and (c) amend § 78.336-2 paragraph (b) amend § 78.336-5 paragraph (a) (19 F. R. 1287, Mar. 6, 1954) (17 F. R. 7290, Aug. 9, 1952) (49 CFR 1950 Rev., 1954 Supp., 78.336-1, 78.336-2, 78.336-5) to read as follows:

§ 78.336 Specification MC 330; steel cargo tanks.

§ 78.336-1 Requirements for design and construction. (a) \* \* \*

Exception: Chlorine tanks shall be fully radiographed and stress relieved in accordance with the provisions of the Code under which they are constructed.

(b) Except as noted below, all openings in the tank shall be grouped in one location, either at the top of the tank or at one end of the tank.

Exceptions: (1) Chlorine tanks shall be equipped with a nozzle located in the top of the tank. The nozzle shall be fitted with a dome cover plate which shall conform with the standard of The Chlorine Institute, Inc. Dvg. 7-B-345, dated March 3, 1953. There thall be no other opening in the tank. (2) The openings for liquid level gauging devices, or for cafety devices may be installed separately at the other location or in the side of the chell. (3) One plugged opening of 2-inch National Pipe Thread or less provided for maintenance purposes may be located elsewhere. (4) Loading and unloading connections may be located in the battom of the tank.

(c) All plates for tank, manway nozzle and anchorage of tanks used in the transportation of chlorine must be made of steel complying with requirements of A. S. T. M. Specification A-300-52T ti-

tled "Steel Plates for Pressure Vessels for Service at Low Temperatures" Class 1. Grade "A" flange or fire box quality. Impact test specimens made by the plate manufacturer shall be of the Charpy Keyhole notch type and must meet impact requirements (in both longitudinal and transverse directions of rolling) of this specification at a temperature of minus 50° F

§ 78.336-2 Material. \* \* \*

(b) Material of thickness less than 3/6 inch shall not be used for the shell, heads and protective housings specified in § 78.336-5, except for chlorine tanks the wall thickness shall be not less than 5% inch, including corrosion allowance.

§ 78.336-5 Protection of valves and accessories. (a) All valves, fittings, accessories, safety devices, gauging devices, and the like shall be adequately protected against mechanical damage by a housing closed with a cover plate.

Exceptions: (1) Liquid and vapor valves, fittings, and accessories installed in the bottom of the tank shall be adequately protected against mechanical damage, but the housing and cover plate may be omitted.
(2) In lieu of a housing closed with a cover plate, tanks used for the transportation of carbon dioxide may have all valves, piping, fittings, accessories, safety devices, and the like installed within the motor vehicle framework, or a suitable collision-resisting subframe, guard or housing. (3) On chlorine tanks the protective housing and cover plate shall conform to the standard of The Chlorine Institute, Inc. Dwg. CS-843, dated July 27, 1954 and shall be of a design to permit the use of standard emergency kits for controlling leaks in fittings on the dome cover plate.

## APPENDIX

Section, Paragraph, and Reason for Amendment

72.5, (a) Commodity List; provides additions and amendments to keep commodity, list on a current basis.

73.31, (g) Note 1; to authorize retest of tank cars during calendar year instead of date they are due.

73.31, (j) to allow use of plugs in outlet caps of tank cars.

73.33, (c); to authorize MC 320 cargo tanks for the same liquefied gases transported in MC 330 cargo tanks.

73.33, (g) (1); to indicate that MC 320 cargo tanks may be used where the regulations call for MC 330 cargo tanks.

73.33, (k) (1), (m) (9) (10) (11), (o) (4), b) to provide for the transportation of chlorine in cargo tank motor vehicles.

73.59, (a); clarifies application of regulations to chemical ammunition.

tions to chemical ammunition.

73.60, (a) (6); 73.60, (b) (2); 73.60, (d)
(2); 73.63, (a) (2), (b) (c) (1) (2), (d) (2),
(e) (2); 73.64, (a) (2); 73.65, (a) (2); 73.65,
(h) (2); 73.66, (d) (1), (e) (1), (g) (1);
73.67, (a) (1); 73.68, (a) (1); to allow use of specification 12H, fiberboard box in addition

73.88, (d) to define certain incendiary bombs and smoke bombs as special fireworks. 73.91, (f) (2); to allow use of specification 12H, fiberboard box for railway torpedoes. 73.92, (a) (3) to allow use of specification

23F, fiberboard box for jet thrust igniters.

73.100, (w); to describe a fire extinguisher actuating cartridge.

73.114, entire section; to provide for the packing and marking of fire extinguisher actuating charges.

73.118, (c) (24), (25); to include methylhydrazine and uns-dimethylhydrazine in any quantity not exempt from the regulations.

73.122, (a) to clarify that acrolein must be inhibited when offered for transportation.

73.122, (b); to provide for the shipment of acrolein, inhibited by rail express.
73.127, (a) (2), (4); to allow use of specification 37A or 37B and 6J containers for certain flammable liquids.

73.128, (c); to exempt certain rail express shipments of paints and related materials from marking and labeling requirements.

73.132, (a) to provide packaging require-

ments for coating solution.
73.139, (a) (1) to allow use of glass bottles as inside containers for ethylene imine, inhibited.

73.145, entire section; to allow use of an additional type of inside container for methylhydrazine and uns-dimethylhydrazine.

73.153, (a); clarification.

73.176, (e); to allow use of specification 12C. fiberboard box for matches: eliminate use of lapped joints in lieu of lining in boxes. 73.184, (a) (3); to allow use of specification 6J containers for certain flammable solids.

73.191, (a) (1); to eliminate packing of glass or earthenware containers of phosphorus pentachloride in metal cans under certain conditions.

73.229, (c); To allow exemptions for an additional type package for chlorate and borate mixtures or chlorate and magnesium chloride mixtures.

73.244, (c) (49), (50); changes classification of methylhydrazine and uns-dimethylhydrazine from a corrosive liquid to a flammable liquid.

73.255, (a) (3) to allow additional types of closures for inside glass containers for dimethyl sulfate.

73.259, entire section; to allow shipment of certain corrosive liquids with electronic equipment and to increase the size of inside containers.

73.260, (b) (2); to allow an additional type of package for small electric storage batteries. 73.266, (b), (c), (d) to clarify the packaging requirements for various strengths of hydrogen peroxide.

73.272, (g) (1); to allow specified strengths of sulfuric acid in 5A or 5C containers.

73.276, (a); to eliminate reference to methylhydrazine and uns-dimethylhydrazine which are now provided for in § 73.145. 73.289, (a) (2); to allow specification 103A-W stainless steel tank car for formic acid.

73.289, (a) (9); to allow specification 1EX containers of formic acid in domestic service. 73.293, entire section; to provide packaging requirements for lodine monochloride.

73.302, (a) (3); to extend exemptions for containers of certain gases from 16.6 fluid ounces to 17.6 fluid ounce capacity.

73.306, (a) (1); to allow use of specification 4B-ET cylinder for certain liquefied

73.308. (a), table: to allow use of cylinders having service pressures of 225 and 150 p. s. i. for vinyl chloride, inhibited.

73.314; (a), table; to allow use of specification 105A300, and 105A300W tank cars for

dispersant gas, n. o. s.

73.314, (f); clarification.

73.315, (a) (1) table, Notes 4 and 8 to (a) (1), (h) table, (i), (i) (2) and (11); to provide for the shipment of chlorine in MC 330 cargo tank.

73.334, (a), (a) (1); to increase the maximum percentage of active ingredient authorized for shipment of certain poisons; to provide for the use of spec. 4B24OET, cyllinders.

73.354, (a) (4), (5), (c); to clarify that certain tank cars and tank motor vehicles are not permitted for shipment of tetraethvl lead.

73.402, (a) (13); to authorize the use of certain labels for shipment of dangerous articles by air.

73.402, (b) (1); to require a duplicate certificate from shipper for export shipment of dangerous goods involving air transport.

73.405, (b); 73.406, (b); 73.407, (b), (b) (1), (2), and (3); 73.408, (b); 73.408, (b); 73.409, (b) (1); 73.409, (b) (b); 73.410, (b); 73.411, (b); 73.412, (b); 73.414, (c); 73.414, (c) (1); to authorize use and recognition of new forms of caution labels for shipments of explosives and dangerous articles interchanged with carriers by air.

73.430, (c); to require a duplicate certificate from shipper for domestic shipment of

dangerous goods involving air transport. 74.529, (b) to authorize the transporta-tion of class B explosives in container cars. 74.538, footnote c to (a) table; clarifica-

77.823, (d); to provide marking requirements for tank motor vehicles transporting chlorine.

77.840, (e) to require gas mask, and emergency kit for controlling leaks to accompany shipment of chlorine in cargo tanks.

77.840, (f); to provide certain requirements for loading and unloading tank motor vehicles transporting chlorine.

77.848, footnote c to (a) table; clarifica-

78.38-12, (c) to authorize use of 4 engaged threads for cylinder fittings on specification 3B.

78.80-11, (a); to provide a more suitable place for marking drums with removable

78.81-11, (a); to allow additional means

of marking specification 5A containers, 78.82-11, (a); same as § 78.80-11.
78.83-9, (c), (d), and (e); to provide for improved thread forms for specification 5C containers.

78.83-11, (a); to permit the brazing of metal plates used for marking specification 5C containers.

78.84-11, (a) same as § 78.80-11. 78.85-10, (a); to provide additional means

of marking specification of containers. 78.87-11, (a); same as § 78.80-11. 78.88-8, (c), (d), and (e); to provide for improved thread forms for specification 5K. containers.

78.88-10, (a); to provide additional means of marking specification 5K containers. 78.89-9, (a); to provide additional means

of marking specification 5L containers. 78.90-8, entire section; to provide an improved thread form for specification 5M con-

tainers. 78.90-10, (a); to permit the brazing of metal plates used for marking specification 5M containers.

78.97-9, (a) 78.98-9, (a); 78.99-9, (a) 78.100-9, (a) 78.101-9, (a); same as § 78.80-11.

78.107-7, (b); to provide improved thread form closures for specification 42B contain-

78.108-7, (b); same as § 78.107-7, 78.109-7, (b); same as § 78.107-7, 78.110-8, (a); same as § 78.80-11, 78.115-10, (a); same as § 78.80-11, 78.116-7, (a) to require a % inch mini-

mum for convexity of drum heads. 78.116-10, (a); to provide additional means

of marking specification 17E containers, 78.117-11, (a) to provide additional means of marking specification 17F containers,

78.118, heading; clarifles that removable heads are required.

78.118-10, (a); same as § 78.80-11. 78.130-8, (a); same as § 78.80-11. 78.131-9, (a); same as §78.80-11. 78.132-9, (a) to provide additional means

of marking specification 37B containers.

78.165-8, (a) table and footnote 2; to provide additional type construction for tops and bottoms of specification 14 boxes.

78.205-9, (a); to allow alternate method of constructing specification 12B fiberboard

78.205-31, (a) to provide details for the construction of a special box.

78.209, entire section; to provide a new specification 12H fiberboard box.

78.214-II, (a); to provide for additional type of joint for specification 23F fiberboard

78.219-7, (a); to allow for an additional type telescoping box, specification 23H.

78.219-11, (b); to authorize a 65-pound gross weight for new type telescoping box. 78.250-5, (a) (3); to provide for proper registration of companies using containers

built prior to effective date of specifica-

78.280, ICC-9 (b); to require dome pocket drain holes in certain tank shells and adequate reinforcement of tank shell opening within dome, exceeding 30-inch diameter.

78.280, AAR-9 (b); to make reference to diagram showing method of reinforcing

tank at dome opening.

Part 78, Subp. I App. C, figure 24 and Notes 1 to 5; to provide for the reinforcement of tank shell opening within dome, exceeding 30-inch diameter.

78.325, entire section; to provide a new specification MC 304 cargo tank motor vehicle for flammable and poisonous liquids.

78.331-13, (a); clarifies that baffles are not required.

78.336-1, (a); provides details for construction of cargo tanks for chlorine.

JF. R. Doc. 55-6178; Filed, Aug. 15, 1955; 8:45 a. m.]

### DEPARTMENT OF AGRICULTURE

# Agricultural Marketing Service [7 CFR Part 943 ]

[Docket No. AO 231-A6]

HANDLING OF MILK IN NORTH TEXAS MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEP-TIONS WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposals to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the North Texas marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 7th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

### PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments to the tentative marketing agreement and to the order, as amended, were formulated was conducted at Dallas, Texas, January 18-20, 1955 (19 F. R. 8482) The material issues of record related to:

1. Modification of the definitions of "producer" "handler" and of milk plants to be pooled under the order;

2. The modification of the definition of other source milk, and clarification in the order language with respect to the accounting for concentrated milk products used in processing;

3. Revision of the provisions for the classification of milk transferred to nonpool plants and a redesignation of the 'surplus milk manufacturing area"

4. Modification of the Class I and

Class II pricing formulas;

5. The establishment of transportation allowances to handlers and location adjustments on producer milk at pool plants located outside of the marketing areas;

6. Changes in the base-operating and base-forming periods and in the rules pertaining to the transfer of baces;

7. Clarification of the order language with respect to the exemption under the order of plants regulated by another Federal order and removal of a provision for payments on milk distributed in the marketing area from plants regulated by another order:

8. The application of interest charges on overdue accounts and modification and clarification of certain administrative provisions of the order;

### FINDINGS AND CONCLUSIONS

The findings and conclusions with respect to the material issues, all of which are based on the evidence introduced at the hearing, and the record thereof are as follows:

(1) Definitions. Under the present order, the "Grade A" milk received from producers at approved plants is priced and pooled and the handlers operating such plants are subject to full regulation. It was proposed that the definition of an approved plant be amended to provide changes in the present performance standards for country receiving plants to qualify as approved plants. It was also proposed that a plant located in the marketing area, operated by a cooperative association and approved for the handling of Grade A milk, be an approved plant. In order to facilitate order construction and to clarify the application of the order with respect to the different categories of plants, it is concluded that separate definitions should be included in the order for distributing plants, supply plants and pool plants.

(a) Distributing plant. The definition of a distributing plant should be es-sentially the same as that portion of the present approved plant definition which includes all plants which are approved for the processing or packaging of Grade A milk and from which such milk is disposed of on routes in the marketing area.

(b) Supply plant. The present definition of an approved plant includes a supply plant which is under the routine inspection of the appropriate health authority of the City of Dallas or Ft. Worth and from which 50 percent or more of the receipts of Grade A milk are moved during the month to distributing plants and assigned as reserve supply credit. Reserve supply credit assignable to the milk furnished by supply plants is determined by subtracting from the total Class I sales of the distributing plant receiving the milk, the Class I sales to other handlers and an amount equal to 85 percent of the milk received directly from producers at such distributing plant. Provision is made for such a plant to retain its approved (pool) plant status following January of each year upon written request, if such a plant qualified as an approved plant during 4 months of the immediately preceding period of August through January, and disposition of milk from such plant is such that it is still possible for it to qualify during 4 months within the peried of August through January next following.

It is necessary to establish standards of market association for supply plants in order to provide reasonable limits to the scope of the regulation and of the pooling provisions which are a necessary incident of the regulation. These standards of association afford the means whereby plants may elect to either enter the market, subject themselves fully to order pricing and other order requirements, and to participate in market pooling, or to provide only that amount of milk to the market which will avoid the full impact of regulation and market pooling. Such standards are necessary not only to make this election available to plant operators but also to promote the effectiveness of a classified pricing plan and market-wide pooling.

Class I prices in the North Texas market are designed to attract an adequate and dependable supply of market milk. In order to accomplish this purpose, it is necessary that the distribution of the proceeds of the higher returns from the sale of Class I milk be distributed among dairy farmers supplying plants assoclated primarily with the North Texas market. To distribute these proceeds among dairy farmers supplying plants which furnish milk primarily to other markets or primarily engaged in manufacturing milk operations would derogate from the purpose for which Class I prices are established. Such pooling would, in effect, reduce the uniform price paid to producers regularly supplying the market and adversely affect the supplies of milk which Class I prices would be otherwise adequate to attract.

The election which is available to plant operators to associate their plant with the North Texas market and subject their operations to regulation or to avoid regulation are necessary to facilitate securing supplemental supplies of milk at times when the market may be short. Unregulated plants are frequently unwilling to supply occasional shipments of milk when the consequence of such a shipment is to expose the operations of the plant to order regulation. Under the conditions which prevail in the North Texas market, it is not necessary to extend regulation to plants which supply only occasional or incidental shipments of milk to a market. It is also necessary to provide standards of association as a prerequisite to the imposition of regulation in order to avoid the possibility of subjecting plant operators to regulation by virtue of shipments handled through brokers or in any other fashion which presumes that the plant operator may be in ignorance of the final destination of the milk.

The present provisions for supply plants to achieve pool plant status were

adopted by amendment to the order in 1953. At that time and up to the present, there have been no supply plants located outside of the marketing area which have been regularly associated with the market. As additional milk has been needed, direct shipped milk has been increased. Starting as early as 1952, direct receipts of milk have been received from a number of producers located in the States of Missouri and Northern Arkansas. The record shows that a receiving station is under construction at Monett, Missouri, at which a portion of the milk of these producers will be assembled, cooled and moved in bulk form to distributing plants in the North Texas marketing area. On the basis of the data pertaining to the direct shipments of milk from these producers minor modifications are needed in the present supply plant standards.

An analysis of the relationship of the receipts of producer milk to Class I sales in the market in conjunction with the differences in the seasonal variation in production of milk by the Missouri producers as compared with other producers on the market, shows that the requirement that a supply plant move at least 50 percent of its receipts to the market and be assigned as reserve supply credit during each of 4 months of the August-January period could very well result in excluding the Monett plant from the pool or cause uneconomic movements of milk to the marketing area in a few months in order for the plant to qualify. Based on past experience in this market and under what could be considered as reasonable and desirable supply-demand relationships, there were adequate supplies of direct shipped milk to supply the Class I requirements and provide required operating reserves without moving the full 50 percent of the receipts from the Missouri-Arkansas supply area in each of the prescribed months. On the other hand, it is evident that these more distant sources of supply are needed to meet the year-round requirements for Class I disposition in the market. By making it possible for a somewhat greater portion of the more distant supply plant milk to remain at its source and be manufactured into Class II products during some months and be pooled along with all other producer milk, considerable transportation costs could be saved. There are adequate and nearby manufacturing facilities available in this more distant area to transfer or divert such reserve supplies as may not be needed by the market.

It was proposed by the producers association which is to operate the new plant that the requirements for continuing pool plant status be amended to provide that a supply plant will maintain continuing status as a pool plant if milk is shipped and assigned as reserve supply credit as follows: at least 15 percent of the Grade A receipts at such plant during two of the three months of August, December and January 50 percent of such receipts during September 75 percent of such receipts during Cotober and during November 35 percent.

These shipping standards were to be supplemented by a "call milk" provision

whereby the operator of a plant would be required to notify the market administrator of his willingness to ship at least 80 percent of his producer receipts during each delivery period of August through January and the plant establishes an equivalent quantity of reserve supply credit in each month. Reserve supply credit under this provision would be determined from the routine notification to the market administrator of the amount of milk offered. In addition to the amount of milk offered, such statement would set forth other information on the price and terms of sale. The reserve supply credit would be equal to the amount of milk offered which was not in excess of the receipts from producers (including specific quantities of milk previously committed and shipped less any refusals to ship milk to a handler accepting the offer) Although there may be some merit in a call provision of the type suggested by proponents, it does not appear to be necessary in this market at this time.

The proposals for amending the performance standards for pool plants were quite limited. Except as has been discussed heretofore there were no other proposals to alter either the present method of determining reserve supply credit or the performance standards for plants to achieve initial pool plant status. It is possible that, as more experience is gained with the movements of milk from country plants and as changes develop in production and sales patterns, consideration may need be given to other methods of measuring a plant's association with the market for the purpose of establishing pool plant status. This, of course, is a matter that would have to be considered at a later

Provision should be made for a new plant which may enter the market to achieve pool plant status on the same basis as is required of plants which have previously established themselves as supply plants for the market. this a supply plant should be defined as any plant approved by and under the routine inspection of the appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area and from which 50 percent or more of the receipts of skim milk and butterfat in Grade A milk during the month is moved as fluid milk, skim milk or cream in bulk to a distributing plant and assigned to reserve supply credit. This portion of the definition is essentially the same as that contained in the present order. No reference is made. however, to specific health departments because such reference is unnecessary so long as it is required that the plant be approved to supply milk for fluid distribution as Grade A milk in the marketing area. Since fluid cream is a Class I product and is included in determining the reserve supply credit for a plant, the skim milk and butterfat contained in shipments of cream should likewise be included in the shipments from supply plants.

Provision should also be made for a plant to continue as a supply plant in succeeding months so long as an average of 50 percent is maintained and during the current month at least 15 percent of the plant's Grade A receipts is moved and assigned to reserve supply credit. The adoption of this average relationship basis adds a desired degree of flexibility to the present pool plant standards. This reduces the effects of sporadic or random variations in the amount of available reserve supply credit at distributing plants because of monthly fluctuations in its sales or receipts and in the receipts of milk at the supply plant. In order to determine the average relationship on a current basis and to use the same number of months in the short production period which is recommended below to determine continuing status for plants during the immediately following months, a maximum period of four months should be used (the current and the immediately preceding one, two or three months as the case may be)

Plants which qualify as supply plants and are pooled during the short production season, when milk is needed most in the market, should be permitted to participate in the marketwide pool during the flush production season when regular shipments may not be needed. Provision is made, therefore, for a plant qualifying as a supply plant during each of the months of September through December to be designated as a supply plant for the following months of January through August, if a request is filed by the operator of such plant to the market administrator for continuing status on or before January 31, providing that, to remain qualified for the month of August 15 percent or more of the receipts of Grade A milk at such plant is moved to a distributing plant and assigned to reserve supply credit. August is a month of transition between the "long" and "short" production season and although supplies normally decline substantially in this month, the testimony shows that it is not reasonable to require that a plant meet the 50 percent requirement. The weather is a particularly important factor affecting supply conditions during this month. It is conluded, therefore, that the 15 percent requirement is reasonable for this month.

The above stated standards for supply plant status are in effect very similar to those suggested by proponents of the amendment to provide less onerous shipping requirements for the maintenance of pool plant status. In developing the recommended standards, however, consideration was given to the possibility that the months of shortest supply in relation to Class I sales (usually October) vary somewhat from one year to the next because of unusual production or sales conditions. Similarly, this relationship may vary in the other months. By using an average relationship for achieving or maintaining pool plant status, particularly for the period of September through December, rather than the specific monthly seasonal percentages as was proposed, this difficulty is overcome. In formulating the supply plant standards, consideration was also given to differences in the seasonal production pattern of producers shipping

directly to the market as compared with producers who may be expected to supply more distant receiving stations. It is concluded that the above stated requirements for pool plant qualifications reflect an association of such plants with the market which makes it reasonable to subject them to full regulation and to provide for their participation in the market pool.

In view of the fact that the milk of producers in the Missouri and Arkansas area will be shifted from direct delivery to distributing plants to a receiving station which has not previously had an opportunity to establish itself as a supply plant under the order, provision should be made that any such plant at which 90 percent or more of the receipts of milk are from dairy farmers who were producers under the order in January 1955 should be considered as having qualified as a supply plant prior to the effective date of this amendment.

(c) Pool plant. "Pool plant" should be defined to include (1) a distributing plant or a supply plant, and (2) any plant approved to supply Grade A milk to the marketing area and operated by a cooperative association if 75 percent or more of the producer milk from members of such association is delivered directly by such producers or is transferred by the association from its approved plant during the month to the pool plants of other handlers.

All pool plants will be subject to full regulation and participate in the market-wide pool. The regulation and pooling of milk at distributing and supply plants (formerly approved plants) have been discussed previously in this and former

decisions.

The North Texas Milk Producers Association, a cooperative bargaining association representing a majority of the producers supplying the North Texas marketing area, operates a Grade A receiving plant and also engages in manufacturing milk operations at Muenster, Texas. This plant was procured primarily for the purpose of handling excess milk from the North Texas market. Although this plant is approved to handle Grade A milk, nearly all of the milk of the cooperative's members is delivered directly to handlers' pool plants. It would be uneconomic for the association to receive the milk of its members at its plant and then transfer milk to the pool plant of other handlers in order to qualify as a supply plant under the order. In order to facilitate the allocation of milk among handlers, this plant, however, may at times perform the service of receiving and cooling milk of some of its members and transferring it to the pool plants of other handlers. The association, at times, also receives Grade A milk of its members at this plant and disposes of it to other markets when local market requirements are satisfied. It is desirable, therefore, that the Grade A plant operated by the association be considered as a pool plant under the order. In this manner the milk of producers regularly associated with the market will be pooled even though such milk is not received by a plant qualifying as a distributing or supply plant. The designation of a plant such as is oper-

ated by this association will facilitate the transfer of milk from such a plant to other handlers as an interhandler transfer while under the present order such transfers would be considered as other source milk in the receiving handlers plant. Furthermore, the inclusion of such a plant as a pool plant will assure that all producer milk associated with the market will be included in the pool in each month and therefore reflect the true supply-demand relationship prevailing in the market. Under the present provisions, of the order, milk of members which is not diverted for the account of a handler or the account of the association would not be included in the pool.

In view of the above stated consideration, it is concluded that the Grade A plant of any cooperative association whose producer members are primarily associated with the North Texas market should be considered as a pool plant. It is concluded that the requirement that not less than 75 percent of the milk of the cooperatives producer members be received during the month directly at the pool plant of other handlers or transferred by the cooperative association from its plant to the pool plants of other handlers is reasonable. Because of the seasonal nature of milk production, it is further concluded that a plant operated by a cooperative which meets the 75 percent standard during each of the months of September through December of each year should be considered as a pool plant during other months of the year. This will assist in assuring that producers who are associated with the market during the short production season will be able to retain their status as producers during the flush production season and the receipts and disposition of milk at all plants associated with the market would be reflected in the total market receipts and utilization each month.

(d) Handler. The present definition of a handler should be revised to conform with the plant definitions herein proposed and to provide that a cooperative association shall be a handler with respect to milk of its producer members which it causes to be delivered for its account directly to the pool plants of other handlers for periods of less than a full month. The record shows that a cooperative association follows the practice of transferring certain routes or loads of milk for the purpose of supplying the Class I needs of handlers and keeping the milk allocated among the various handlers in accordance with their needs. Thus, certain loads of milk which are used for this purpose may be received at the pool plants of a number of different handlers during the same month. To facilitate the reporting and accounting procedures on such transfers, provision should be made for the association to become a handler with respect to producer milk which it causes to be delivered during any period of less than a full month from its members directly to the pool plant of another handler for the account of such association. As a prerequisite to becoming a handler on such milk, the association should be required to notify the handler receiving such milk and the market ad-

ministrator of the association's intent to become a handler with respect to such milk. Such milk should be deemed to have been received by the cooperative at a pool plant at the location of the plant to which it is delivered. Such milk would be considered as an interhandler transfer under the classification procedures of the order. In the absence of notification by the association to the market administrator and to the transferee handler of its intent to become a handler with respect to such transfers, the handler who physically receives such milk will then continue to be responsible for reporting and payment for such milk in the same manner as for his other receipts of producer milk.

The handler who physically receives the mill: for which a cooperative assoclation becomes the handler under this provision should be required to pay the association not less than the applicable class prices including differentials prescribed by the order. In this manner the cooperative association will be responsible for equalization with the pool and the transactions involved will be minimized. Such payment should be made not later than the date in which payment is required to be made to a cooperative association for the milk of other members for whom the cooperative association is otherwise authorized to collect payment from handlers.

(e) Producers. The definition of a producer should be modified to incorporate reference to the proposed changes in plant definitions and to provide specific language with respect to the period that the milk of a producer may be diverted to a nonpool plant and still remain in the marketwide pool. The order currently does not provide any limitation on the period of time producer mill: may be diverted. Presumably, a handler may divert producer milk indefinitely after once having received the producer's milk in his pool plant. It is equally as important to have some limitation on the period of time that milk may be diverted as it is to have supply plant standards to determine what milk is to be pooled under the order. It is concluded that the present provisions for unlimited diversion should apply during the months of January through July. Provision should be made, however, that milk will not be considered as producer milk for any period that it is diverted to a nonpool plant for more than 15 days during other months of the year. Experience in this market indicates that such a provision will make ample provision for the diversion of reserve supplies of milk during any month when it is not needed in the market and yet make appropriate provision for pooling the milk of all producers associated with the market.

(2) The definition of other source milk should be drawn so as to insure equality among handlers in the application of the allocation and reclassification procedures and to clarify the accounting procedure under the order.

Other source milk should be defined to include receipts of fluid milk products from sources other than producer milk and receipts from other handlers. A definition of "fluid milk products" has

been included in the order to simplify the language in other order provisions. "Fluid milk products" will include all milk, skim milk and cream and other fluid products specified under the class definitions as Class I milk. All products other than fluid milk products, from any source, which are reprocessed or used in another product in a pool plant during the month will be considered as other source milk. This will include in addition to manufactured products purchased from outside sources, manufactured products made from producer milk at the plant or by another plant during the same or an earlier month and converted into another product during the month. By following this procedure and by making conforming changes in other order provisions, all receipts of milk under the order will fall within four categories as follows:

- (1) Producer milk:
- (2) Milk from other handlers;
- (3) Inventory of fluid milk products; and
  - (4) Other source milk.

By incorporating the proposed definition of other source milk, the method of accounting for other source milk by all handlers will follow identical accounting procedures whether or not the manufactured products which are reused in a handler's plant are converted from producer milk or purchased from outside sources. Skim milk and butterfat used to produce manufactured (Class II) products should be considered as disposed of when so utilized and therefore will not enter into the classification procedure again unless reused or reconverted. It will be necessary for the handler to include in his monthly receipts and utilization report only that portion of any manufactured products which are used in his plant in producing another product during the month. Records of sales and stocks of manufactured products, however, must be maintained by the handler to facilitate the auditing program of the market administrator.

Under the present accounting procedure, handlers who reuse products which were originally made from producer milk are subject to a reclassification charge on the volume of skim milk and butterfat used to produce such products which is assigned to Class I milk under the allocation procedure. On the other hand, handlers purchasing manufactured products from outside sources for such use are not subject to such a reclassification charge. This change in the definition of other source milk will assure uniformity among handlers in the application of the allocation and pricing procedures of the order. Any other source milk in the pool plant, including that derived from manufactured products, will continue to be allocated first to the available Class II utilization. The proposed change, however, will remove the possibility of a reclassification charge on manufactured products which are made from producer milk and later allocated to Class I milk. The change will be to allocate producer milk to Class I to the extent that such milk is available from current receipts. This should promote more processing and storage of

available supplies of seasonal reserve producer milk for later use.

To clarify further the accounting procedure under the order and to provide for uniform treatment to all handlers in connection with the use of condensed or nonfat dried milk solids and at the same time to effectuate the established principle of allocating current receipts of producer milk to Class I utilization, the order should specify that the nonfat solids content of such products should be accounted for on a fluid skim milk equivalent basis. The pounds of skim milk disposed of in any reconstituted or fortified fluid milk product should be considered as an amount equivalent to the nonfat milk solids contained in such product plus the water reasonably associated with such solids in the form of milk.

Some handlers in the market have facilities for making condensed skim milk products for use in their pool plants or for disposition to other handlers as condensed skim milk. Other handlers purchase solids from other sources. Such condensed solids are used in the reconstituting fluid milk products or to fortify skim milk drinks. Such Class I products are fortified by the addition of extra solids in order to improve their quality and acceptability to consumers. Such solids are required by the health regulations to be made from Grade A milk and should be classified as Class I milk the same as all other Class I solids. There appears to be no reason why one portion of the solids-non-fat contained in Class I products should be classified differently from another portion in this market.

The relationship between other source milk and producer milk now provided in the order with respect to allocation and classification should be the same regardless of the form in which the milk solids are obtained and utilized. The order presently provides that additional butterfat above 4 percent contained in Class I products shall be charged on the basis of the butterfat differential at the same rate as the butterfat represented by the basic butterfat test. No basis was presented on the hearing record whereby it would be possible or feasible to adjust class prices on a basis of an exact determination of solids nonfat content of the milk. Nevertheless, an adjustment should be made in the cost of Class I milk when the sales in such class are in the form of products from which part of the original water has been removed and not replaced. The most practicable means of accomplishing this is to adjust the volume of Class I disposition in accordance with the volume of the original milk required to produce the end product.

The effect of this change, in conjunction with the change in the definition of other source milk, may reduce or mcrease the cost of milk to handlers depending on the utilization pattern in individual plants and the source from which such nonfat solids are obtained. The proposed accounting system will have no effect on the classification of other source milk used in Class II milk. The marketwide effect of this change will be minor. It will, however, provide for greater equity among handlers in the

cost of milk irrespective of the source of nonfat solids.

(3) The provisions with respect to the transfer and diversions of milk from pool plants should be modified.

Transfer provisions are provided in an order to supplement the class definitions in the classification of milk disposed of from the pool plant. The primary function of the provisions relating to the transfers of milk between pool plants is to remove any impediments to the movement of milk between the regulated plants and at the same time to assure that producer milk in such plants is assigned to the available Class I utilization to the fullest possible extent. It is customary to transfer both bulk and packaged products between pool plants. It is possible to carry out the intent of the classification procedure by providing for the transfer of such fluid milk products on an agreed upon basis so long as producer milk is not displaced by other source milk in Class I in either handler's pool plant. Because under an order, recent of milk is accomplished when it is received from producers at a regulated plant, there is no reason to provide under the transfer provisions for the diversion of milk from one pool plant to another pool plant. Therefore, the reference to diversion in the transfer provisions applying between pool plants should be deleted. The handler who first receives the milk from a producer is responsible under the order for the accounting and and payment for such milk.

The primary function of transfer and diversion provisions applying to milk transferred by pool plants to nonpool plants is to facilitate the disposal of reserve supplies of milk and at the same time return to producers a value for the milk in accordance with its usage, If transfer provisions are properly drawn. they will also serve to afford a degree of protection to the market against shortages caused by withdrawals of milk by other fluid milk markets and at the same time remove any price incentive for the handler to dump surplus milk on other markets for fluid milk disposition at surplus prices. The classification of milk transferred between fluid milk markets also affects the amount of necessary reserve supplies of milk associated with each market and consequently the method used for such classification affects relative returns among producers

serving the markets.

Several proposals were made at the hearing to modify the transfer provisions applying to milk transferred to nonpool plants. Questions were raised with respect to the propriety of classifying as Class I milk, milk transferred to plants located more than 300 miles distant. Another proposal would increase the number of counties outside of the 300mile radius to which milk may be transferred and classified under certain conditions as Class II milk. A complaint was made concerning the effect of the allocation procedures as applied to milk transferred from one regulated market to another regulated market.

Although it is intended that the present order provision relative to fluid milk and skim milk transferred to nonpool plants apply only to bulk shipments, it

is considered desirable that the provision be clarified to so specify. Milk which is disposed of from a pool plant in packaged form is intended for fluid consumption, and should be classified as Class I milk under the Class I milk definition when disposed of by the plant. Transfers of bulk milk and skim milk to nonpool milk plants, on the other hand, may be used when producer milk has been disposed of for manufacturing uses. Fluid milk disposed of outside of this area is for disposition in the form of fluid milk products. For those reasons, the transfer provisions which apply to milk transferred to nonpool plants should be modified to eliminate. the reference to plants located within 300 miles from Dallas. The order should provide that transfers of bulk milk be classified as Class I milk if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located outside of the marketing area or outside of the counties of Barry, Cedar, Greene, Lawrence, Polk, Newton and McDonal in the State of Missouri; Brath, Titus, Runnels, Fayette, Cherokee and Wood Counties in the State of Texas; Carter, Commanche, Grady, Muskogee and Cleveland Counties in the State of Oklahoma and Benton, Scott, Franklin, and Sebastian in the State of Arkansas.

Certain changes should also be made in the provisions relating to the classification of milk transferred or diverted to a nonpool plant located within the designated surplus disposal area. Under the present order, milk transferred or diverted to such nonpool plants is assigned to Class I milk to the extent that the Class I sales in such plant exceed the receipts of milk from dairy farmers which are the regular source of supply for such plant. Since this provision applies to the transfers from each individual pool plant, it is possible that if milk were transferred to such nonpool plant by more than one pool plant, the same fluid milk product disposition at the nonpool plant may be assigned to the transfers of milk made by each pool plant. Provision should be made that there will be only an amount of skim. milk and butterfat reclassified as Class I milk equivalent to the amount by which the skim milk and butterfat transferred by all handlers to such nonpool plant and reported as Class I milk is less than the skim milk and butterfat assignable to Class I at such plant. This will be accomplished by reclassifying a quantity of milk prorata for all handlers involved in accordance with the claimed Class II classification reported by each of such handlers.

The present transfer provisions should also be changed to provide that if the nonpool plant disposes of skim milk and butterfat in the form of bulk cream to a second plant that such cream be excluded from the fluid product disposition of the nonpool plant, provided that such cream is disposed of as ungraded product for manufacturing use with each container so tagged and such shipment so invoiced. This will provide the same basis for classification as is now followed for cream which is disposed of as un-

graded bulk cream by pool plants directly to nonpool plants. lesser of 5 percent of the receipts of producer milk in the pool plant or the

Testimony was presented by a handler to support the classification in Class II of milk, which is transferred to a plant subject to another Federal order, when such milk is allocated to the Class II utilization under the order in the receiving market. It is recognized that through the allocation procedure of assigning producer milk under each order to the highest priced available uses, a quantity of milk may be classified as Class I milk in the exporting market and allocated as other source milk to Class II milk under the order in the receiving market; but to classify an equivalent quantity of milk as Class II milk in the exporting market cannot be justified under the conditions which prevail. As has been previously pointed out, milk which is moved in fluid form from the North Texas marketing area to plants located outside of the designated surplus disposal area is not so moved for the purpose of manufacturing such milk into Class II milk products. It is moved to other regulated and unregulated markets because it is purchased to fulfill the fluid milk requirements in such markets. Furthermore, it is uneconomic and contrary to good marketing practice to transfer the water contained in fluid milk and incur the additional transportation cost if such milk is needed by the receiving market in concentrated form for a manufactured product, such as ice cream. The selling handler may account to the North Texas pool for such milk at the Class II price by first processing the milk into a manufactured product before moving it to another market. In addition, there is no evidence to indicate that facilities for converting fluid milk into Class II products are being operated in the plants in the receiving markets.

Because of the necessity of carrying some reserve supplies of milk to engage in a fluid milk operation and the practice of accounting for receipts and utilization on a monthly basis, some of the transferred fluid milk may be assigned to the Class II utilization under the order in the receiving market. The testimony showed that it was not possible to follow specific lots of milk that may be moved from the market to a plant in another regulated market for determining its classification. Allocation and accounting on a monthly basis (in contrast to shorter periods such as semi-monthly or weekly) have been supported by handlers as the most practicable method in this market and throughout the order program. It would be uneconomic and unreasonable to expect producers of milk for the North Texas market to carry the necessary daily reserves for other mar-kets to which it may supply milk by providing for the classification under the order of a portion of such sales as Class II milk.

In order to recognize some of the effects of the monthly accounting procedure and handlers' need for a reasonable reserve supply of milk to meet day to day variations in receipts and sales, the allocation procedure of the North Texas order should be amended to provide that a quantity equivalent to the

lesser of 5 percent of the receipts of producer milk in the pool plant or the amount of milk remaining in Class II milk, following the subtraction of shrinkage and unpriced other source milk, should be set aside before subtracting the receipts of other source milk that is subject to the Class I pricing provision of another order issued pursuant to the act.

(4) Class prices—(a) Class I milk price. A proposal to revise the Class I milk price differentials and the supply-demand adjustment provision of the order was not supported by proponents at the hearing and no other direct testimony relative to the Class I milk price was presented at the hearing.

The average of the prices paid to farmers at 15 "Midwestern Condenseries" is one of the alternatives used in establishing the basic formula price. Since operation has been discontinued at two of these plants located at Berlin and Chilton, Wisconsin, reference to them should be deleted from the order.

(b) Class II mill: price. Except for the Class II butterfat differential, no change should be made at this time in the Class II mill: pricing provisions of the order.

Several proposals at the hearing related to the Class II milk price. The Class II milk price is determined currently on the basis of prices paid farmers for milk at three local manufacturing plants and a butter-nonfat solids formula. The Class II milk price during the months of April through June is the average of the prices paid farmers for their deliveries during such months at the three local manufacturing plants. During the months of July through March the Class II milk price is the average of the three local plant prices or the butter-nonfat solids formula price, whichever is higher. The price resulting from the Class II butter-nonfat solids formula was modified effective for the months of July 1954 through March 1955 to provide for a deduction of 16 cents from prices otherwise obtained therefrom.

A proposal was made to change the Class II price formula to include March as one of the months for which the price would be the average of local manufacturing plant prices and for the deduction of 16 cents from the butter-nonfat solids formula for the months of July through February. No testimony was presented by the proponents of this proposal. Another proposal would incorporate the temporary adjustment in the Class II milk pricing formula previously mentioned on a permanent basis.

A proposal by producers would continue to apply the average of the local manufacturing plant prices during the months of April through June. During all other months the average of the local manufacturing plant prices or the present butter-nonfat solids formula, whichever is higher, would be used. However, during August through November 34 cents would be added to the butter-nonfat solids formula and during the months of January through March, 16 cents would be subtracted from such formula.

Producers testified that the market value of Class II milk in the North Texas

market shifted from season to season based on changing demands for those Class II products which have a higher use value. It was contended that during the short production season reserve supplies of milk can be used for ice cream or in the form of cream or condensed milk for ice cream, which uses are considered to be relatively high valued manufacturing uses. In the flush production season, however, when supplies of milk are more plentiful, it is necessary to process a larger portion of producer milk reserves into nonfat dry milk solids and cheese, which products are considered to be relatively low valued uses.

Although it may be desirable under a marketwide pool to provide greater refinement in the monthly level of the Class II milk price in order to assist in allocating available supplies of milk among handlers into the higher valued uses including, of course, Class I uses, the particular seasonal pricing plan proposed by producers is not warranted. The present butter-nonfat solids formula has in most years since the order has been effective resulted in somewhat higher Class II prices during the fall and winter months than the prices paid by local manufacturing plants.

The Class II price is in effect a blend price for milk utilized in a number of manufacturing uses. It is not possible to predict with a degree of accuracy, as would be indicated by producers proposal, seasonal adjustments in the Class II price which would be necessary to reflect shifting demands for milk for use in the different Class II products. Furthermore, not all handlers have facilities for handling substantial volumes of Class II milk and not all of those plants which have manufacturing facilities are sufficiently diversified to shift from the production of one manufacturing product to another in response to demands for the various products.

The previous temporary pricing arrangement for Class II milk should not be continued. The relationship of producer receipts to the Class I milk requirements of the market has changed significantly since the spring of 1954. It then appeared that the market would experience extreme difficulty in marketing the entire seasonal reserve supplies of producer milk. Since that time, however, producer receipts and Class I requirements have become more closely balanced and readily available facilities for handling supplies of milk are no longer madequate to market the entire output of producers.

The order now provides that the Class II butterfat differential shall be the Chicago 92-score butter price times 0.108 for the period April 1954 through June 1955 and times 0.115 after June 1955. Evidence contained in the record with respect to prices received by farmers for butterfat in milk for manufacturing above the basic test of 4 percent and the prices received by handlers for butterfat in the form of cream indicates that a butterfat differential of 0.110 times the Chicago 92-score butter price during the months of March, April, May and June and 0.115 during other months of the year will be more nearly representative of the market value for such butterfat under current conditions in this market. (5) Location differentials. It was proposed that handlers be allowed a location differential with respect to milk moved from a receiving plant to a processing plant.

The Class I price to be paid for producer milk should not be dependent upon the type of plant receiving the milk. To the extent that milk is received from producers at some distance and brought to the marketing area by a handler, that handler assumes a transportation cost which otherwise would be borne by producers.

In order to effect the lower economic value of milk delivered to distant country receiving stations a lesser price than is paid producers delivering directly to bottling plants should be established. To the extent that this represents a lower price because of the location of the milk. such difference in value should be recognized under the North Texas order by providing that the Class I milk price shall be reduced for any plant located more than 110 miles from a central place in the primary center of consumption in the marketing area by 1.5 cents per hundredweight of milk for each 10 miles or fraction thereof, that such plant is from

such center of consumption.

Under the conditions which prevail in the North Texas marketing area, the application of a location differential to plants located at distances less than 110 miles from Dallas would disrupt the orderly marketing of milk. A number of plants regulated pursuant to the North Texas order, which are located in the northwest portion of the North Texas marketing area, make sales in the Central West Texas marketing area. The Central West Texas order Class I milk price is the same as that in the North Texas order for this general area and is correspondingly higher in the more western locations of the Central West Texas marketing area. To apply location differentials at such plants could result in adverse competitive relationships in the procurement of milk in this territory wherein the sales area of handlers under the two orders overlap.

It is expected that the location adjustment credit herein provided will generally approximate the cost of moving milk from a pool plant to the principal center of consumption in the market area. The principal centers of consumption in the North Texas market-area are the cities of Dallas and Fort Worth. The Dallas City Hall is an appropriate point from which to measure the distance to any pool plant for the purpose of computing the applicable location differential.

Testimony at the hearing indicated that a plant at Monett, Missouri is the only plant which will currently be affected by the location differential adjustment herein provided. The proposed rate of 1.5 cents for each 10 miles will result in essentially the same location adjustment as was proposed by the association operating producer Monett plant.

At the time the order was originally issued and up to the present, all plants which have been regulated under the order were located within or near the marketing area. After considerable discussion on location adjustments at an earlier hearing, it was concluded that no location adjustments should be established on the basis of that record. The entrance of the Monett plant on the market, and the possibility that other supply plants similarly situated may from time to time become associated with the market, require that appropriate provisions be incorporated in the order for location adjustments.

The location differential adjustment herein provided is similar to differentials prescribed in other Federal milk marketing orders and is related to the cost of hauling milk by an efficient means to the market.

Prices paid producers supplying plants to which location differentials apply should be reduced to reflect the lower value of such milk f. o. b. the point to which it is delivered.

No adjustment should be made in the Class II price because of the location of the plant to which the milk is delivered. There is little difference in the value of milk for manufactured uses associated with the location of the plant receiving the milk. This is true because of the low cost per hundredweight of milk involved in transporting manufactured products. The prices paid for ungraded milk received at various sections of the milkeshed do not indicate any difference in value associated with location.

After a handler receives milk for Class II use, he should be expected to handle and dispose of the milk in the manner most advantageous to himself. Prices paid producers for such milk should not be made dependent upon the method employed by the handler in disposing of such milk. To do otherwise would remove part of the incentive for keeping handling costs at a minimum. sure that milk will not be moved unnecessarily at the expense of producers under the marketwide, pool, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that any milk transferred be assigned to any Class II use remaining in the transferee plant after a maximum assignment of 5 percent of the direct producer receipts to Class II milk at such plant. In case milk is transferred from more than one plant such assignment should be made to each plant in sequence according to the location differential applicable to each plant, beginning with the plant having the largest differential.

6. Base-excess plan. Changes should be made in the base-forming and baseoperating periods and in the rules pertaining to the transfer of bases.

Under the present order, the baseforming period consists of the months of October through January. The baseoperating period is the months of April through June. These periods were first incorporated in the order at the time of its issuance in 1951. Marketwide information on the seasonal relationship of receipts of producer milk and Class I utilization indicates that there has been a shift forward of about a month in the incidence of the summer peak and the winter low in production. Average daily receipts of producer milk during March

of 1952 were less than in June. Since that time, however, receipts in March have exceeded that in June in each year. The base-operating period should be extended, therefore, to include the month of Warch.

Producers proposed that the base-operating period be extended to include also the months of January and February. Receipts of milk in relation to Class I utilization during these months of transition between the "short" and "long" production seasons are not relatively large. It is considered that the effectiveness of the base plan to encourage a pattern of milk production more in line with the Class I requirements of the market seasonally will not be materially strengthened by including these transition months in the base-operating period. Since the Class I price differential decreases 20 cents in March of each year, which decrease normally has a similar effect on the base price, it appears desirable to start the base-operating period with the month of March. Furthermore, from the viewpoint of flexibility and administrative efficacy, it is desirable to have as short a base-operating period as is practical and yet maintain the effectiveness of the base plan.

Producers proposed that the base forming period be changed from the present four month period of October through January to a three month period of September through November.

A reduction in the number of months included in the base forming period would place a greater degree of rigidity in the base plan. A relative short base forming period would accentuate differences in bases among individual producers who may have similar production programs but which may result from accidental or unusual circumstances. As previously indicated, the seasonal low in production has moved forward about one month since the order was originally adopted and production in other months has shifted accordingly. It is appropriate, therefore, to advance the base forming period one month to include the month of September. In September, the ratio of the receipts of producers milk to Class I sales decreases substantially. This ratio in September is also substantially less than in January. The data on daily production of producer milk (after removing the effects of trend) indicates that August might be substituted for December in the base forming period but for other reasons this change is not recommended at this time. It is concluded, therefore, that the number of months that is included in the base forming period should not be reduced. but that January should be omitted and September included in this period.

Under the present base plan a producer may establish a full base on the basis of his deliveries of milk for no more than 90 days of the 123 days in the base forming period. Producers contended that the 33 "free days" under the present base forming rules contribute to irregular practices by some producers in establishing bases and the inflation of bases under certain circumstances. They suggested that the number of "free days" be reduced to ten.

In view of the fact that a producer may enter the North Texas market at any time during the months of July and August prior to the base-forming period, receive the same blend prices and establish a base on the same basis as all other producers, there is no particular need to provide "free days" in the base-forming period to accommodate new producers who may enter the market after the start of the base-forming period. It is beneficial to encourage new producers who may desire to enter the market to do so, in July and August or early in the base-forming period when their milk is most needed by the market. A provision for "free days" in the base forming period is primarily for the purpose of making it possible for a producer to establish a full base even though he may be off the market for a few days of the base-forming period because of degradmg or for accidental reasons over which he has no control. Such a provision affords an opportunity for a producer who may be confronted with such circumstances and who attempts to produce milk in accordance with the needs of the market to realize the benefits of a full base. In view of all of these considerations, it is concluded that each producer's base should be determined on the basis of the number of days for which his milk production is received at a pool plant(s) during the base-forming period but not less than 100 days. The increase from 90 to 100 in the minimum number of days to be applied in calculating bases will materially reduce the opportunity for some producers to inflate bases by irregular shipping arrangements with other producers or persons.

With the development of bulk tank pickup and the accompanying improvement in the methods of cooling and handling milk on the farm, more than one day's supply of milk may be held at the farm before delivery is made at a pool plant. Under this method of delivery, milk of producers may be shifted more freely among handlers. Therefore, the order language also should be changed to provide for the calculation of bases on the basis of the number of days for which milk is received from a producer at a pool plant(s) during the base-forming period.

The changes recommended above in the base-forming and base-operating periods should not become effective until September 1956. The order has been constructed so as to continue the present base-forming and base-operating periods until that date. This will give all producers notice of such changes sufficiently in advance of the effective date to make any adjustments they may desire in their production programs as a result of the proposed amendment.

Provision should be made for the transfer of entire bases. Under the present order, entire bases may be transferred only to members of the producer's mmediate family in the event of death, retirement or entry into military service and in the case of jointly held bases, to one of the joint holders. A provision to permit the transfer of entire bases upon filing application with the market administrator will add a degree of flexi-

bility and may be of benefit in maintaining dairy herds in the milkshed which otherwise would be disbursed upon discontinuance of milk production by a producer for any reason. By limiting such transfers to entire bases, the administrative problems in this market will not be unreasonably burdensome. Provision is made for the transfer of an entire base as of the beamining of the month next following receipt by the market administrator of appropriate application signed by the base holder and by the person to whom such base is transferred.

7. Miscellaneous changes. (a) Under the present order language, any handler who the Secretary determines disposed of a greater portion of his milk as Class I milk in the marketing area regulated by another Federal order is exempt from the provisions of the North Texas order except for reports as required by the market administrator. The order language would be improved by applying such a provision on an individual plant basis and eliminating the necessity of a determination by the Secretary. Provision should be made, therefore, that a distributing plant which would otherwise be fully subject to the classification and pricing provisions of another order should be treated as a nonpool plant under the North Texas order unless a greater volume of Class I milk is disposed of from such plant in the North Texas marketing area than in the area regulated pursuant to such other order. Any supply plant which otherwise would be subject to the classification and pricing provisions of another Federal order would be considered as a nonpool plant unless such plant qualified as a pool plant pursuant to the North Texas order during each of the preceding months of September through December. In this manner, the determination of status of such plants will be on an individual plant basis. Since other orders in this general area have similar provisions or require a determination by the Secretary as to the order under which the plant will be subject to regulation, this change will provide that a supply plant will be regulated and pooled under the order for the market in which it is primarily associated during the previous short production season. The operators of plants which dispose of milk in the marketing area but are not pool plants, would be required to make reports to the market administrator to determine their status under the order.

(b) The order currently requires a handler who is subject to the pricing and payment provisions of another order to pay into the producer settlement fund with respect to milk disposed of as Class I milk in the North Texas marketing area, an amount equal to the difference between the value of such milk as determined pursuant to this order and its value determined pursuant to the order to which it is fully subject. Since no milk has been distributed on routes in the North Texas marketing area from other regulated areas that have lower Class I prices, no payments have been made under this provision.

It is not necessary to continue the requirement for such payments under the North Texas order. All regulated markets located to the west, south or east of the North Texas marketing area have Class I prices either equal to, or higher than, the Class I prices in the North Texas order. Ordinarily differences in Class I prices among markets after considering handling costs and the costs of moving the milk among marketing areas should be rectified by adjustments in the level of Class I prices.

The reasons which underlie the need for compensatory payments between regulated markets are different from those which apply with respect to milk moved to regulated markets from unregulated markets. The economic purpose behind payments on unregulated milk is to assure the effectiveness of the classified pricing and pooling system in the regulated market. Handlers regulated by other Federal orders are subject to almost identical reporting, accounting, classification, pricing, payment and auditing procedures as are handlers who are subject to the North Texas order. The price for Class I milk disposed of by handlers subject to other Federal orders is the same whether or not such milk is disposed of inside or outside of their respective marketing areas. The North Texas market is assured, therefore, that distributors from these other regulated areas pay their producers at least the Class I prices specified by such other order for any milk disposed of on routes or through other distributing plants in the North Texas marketing area.

If Class I prices among regulated markets are at proper levels, there will be no economic advantage accruing to handlers located in other regulated marketing areas. This is one of the factors that must be considered in establishing the general level of Class I prices. If, on the other hand, a handler otherwise subject to another Federal order disposes of a greater proportion of his Class I sales in the North Texas marketing area, he should become fully subject to the North Texas order and the prices he would pay for milk would be the same as for all other North Texas handlers similarly situated. For these reasons, § 943.61 (b) of the order should be deleted.

(c) Provision should be made for the application of interest charges on overdue accounts and clarification of other administrative provisions of the order.

Unpaid obligations of the market administrator or any handler under the order should be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and on the first day of each calendar month thereafter until such obligation is paid. Such a provision is in accordance with good business practice and the rate is a reasonable charge for the use of money. Under the attached order provisions, interest would be applied to any unpaid obligations which are due on the effective date of this amendment on the first day of the month next following such effective date.

In order to facilitate the settlement of accounts, the section of the order pro-

viding for payments by the market administrator should provide that any amount due a handler from the producer settlement fund may be offset or reduced by the amount of any unpaid balances due the producer settlement fund or due the market administrator for marketing service or administration fund assessments.

In calculating the monthly uniform prices not less than 4 cents nor more than 5 cents per hundredweight of producer milk is retained in the producer settlement fund. This reserve is for the purpose of maintaining a fund to facilitate monthly the clearing of checks when payments are being made into and out of the producer settlement fund as well as to provide funds for prompt payment to handlers as a result of audit adjustment. During the base-operating periods, the present order provides for making deductions only on base milk. This is the time of the year that payments into and out of the producer settlement fund are usually at their highest leveis. Experience has indicated that during this period sufficient funds may not be available for the market administrator to meet his obligations as promptly as prescribed by the order. It is concluded therefore, that the reserve to be allocated to the producer settlement fund during the base-operating period should apply to both base and excess milk. The reserve in the producer settlement fund is of the nature of a revolving fund in that any reserve remaining at the end of one month is added back into the pool computations in the following month.

In view of the fact that the foregoing revisions recommended in this decision are numerous and require conforming changes in nearly every section of the order and because a number of other amendments have been incorporated in the order since it was first promulgated, the order in its entirety has been redrafted to incorporate such changes.

# RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Written arguments and proposed findings and conclusions on behalf of interested persons concerning the issues on which decision is herein recommended were considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions in this decision.

### GENERAL FINDINGS

(a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to § 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect

market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesald factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

RECOMMENDED MARKETING AGREEMENT AND AMENDMENT TO THE ORDER. AS AMENDED

The following order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

#### DEFINITIONS

§ 943.1 Act. "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

§ 943.2 Secretary. "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States as is authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 943.3 Department. "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this subpart.

§ 943.4 Person. "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 943.5 Cooperative association. "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 943.6 North Texas marketing area. "North Texas marketing area," hereinafter called the marketing area, means all territory, including all municipal corporations, Federal military reservations, facilities and installations and State institutions, within the counties of Cooke, Collin, Dallas, Delta, Denton, Eilis, Fannin, Grayson, Hopkins, Hunt, John-

son, Kaufman, Lamar, Parker, Rockwall, and Tarrant, all in the State of Texas.

§ 943.7 Route. "Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of milk, skim milk, buttermilk, flavored milk, flavored milk drinks or cream other than a delivery in bulk form to a milk processing plant.

§ 943.8 Distributing plant. "A distributing plant" means any milk plant approved by any health authority having jurisdiction in the marketing area for the processing or packaging of Grade A fluid milk products and from which any such products are disposed of on a route(s) in the marketing area.

§ 943.9 Supply plant. "Supply plant" means any plant approved by and under the routine inspection of the appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area; and

(a) During the month 50 percent or more of the receipts of Grade A milk at such plant is moved as milk, skim milk or cream in bulk to a distributing plant and assigned to reserve supply credit pursuant to § 943.20; or

(b) During the last month of any four or less consecutive months during which period an average of 50 percent or more of the receipts of Grade A milk at such plant is moved as milk, skim milk or cream in bulk to a distributing plant and assigned to reserve supply credit pursuant to § 943.20 and 15 percent or more of such receipts are thus moved and assigned during the month; or

(c) During each of the months of January through August, if (1) such plant was a supply plant pursuant to (b) of this section during each of the immediately preceding months of September through December: Provided, That to remain a supply plant during the month of August, 15 percent or more of the receipts of Grade A milk at such plant is moved as milk, skim milk or cream in bulk to a distributing plant and assigned to reserve supply credit pursuant to § 943.20, and (2) the operator of such plant has filed a written request on or before January 31 with the market administrator requesting that such plant be designated as a supply plant through August of such year.

§ 943.10 Pool plant. "Pool plant" means (a) a distributing plant, (b) a supply plant or (c) any plant approved by the appropriate health authority to supply milk for distribution as Grade A milk in the marketing area if such plant is operated by a cooperative association and (1) 75 percent or more of the producer milk from members of such association is delivered during the month directly to the pool plants of other handlers or transferred by such plant to the pool plant of other handlers, or (2) such plant qualified as a pool plant pursuant to subparagraph (1) of this paragraph during each of the immediately preceding months of September. October, November and December.

§ 943.11 Nonpool plant. "Nonpool plant" means any milk manufacturing, processing or packaging plant other than a pool plant described in § 943.10. (a) any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to producer milk diverted by it from a pool plant to a nonpool plant for the account of such cooperative association; or

(c) Any cooperative association with respect to producer milk which it causes to be delivered during any period of less than a full month from its members directly to the pool plant of another handler for the account of such association if such association notifies the handler and the market administrator in writing of its intent to become a handler with respect to such milk prior to delivery. Such milk shall be deemed to have been received by the cooperative at the location of the pool plant to which it is delivered.

§ 943.13 Producer "Producer" means any person, except a producer-handler, who produces milk approved by the applicable health authority having jurisdiction in the marketing area for consumption as Grade A milk which milk is received at a pool milk plant: Provided, That if such milk is diverted by a handler for his account from a pool milk plant to a nonpool plant any day during the months of January through July and on not more than 15 days during any other month, the milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location of the plant from which it was diverted. "Producer" shall not include any such person during periods of temporary degrading by such health authority if such health authority notifies the operator of the pool plant or the market administrator in writing of the effective date or dates of such action and subsequent reapproval.

§ 943.14 Producer milk. "Producer milk" means skim milk or butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from the pool plant to a nonpool plant in accordance with the conditions set forth in § 943.13.

§ 943.15 Fluid milk products. "Fluid milk products" means milk, skim milk, buttermilk, flavored milk drinks, cream and any other product defined as Class I milk pursuant to § 943.41 (a) (1) and (2)

§ 943.16 Other source milk. "Other source milk" means all skim milk and butterfat contained in: (a) Receipts during the month of fluid milk products except (1) fluid milk products received from other pool milk plants, or (2) producer milk; and (b) products, other than fluid milk products, from any source (including those produced at the plant). which are reprocessed or converted to another product in the pool milk plant during the month.

Producer-handler § 943.17 ducer-handler" means any person who produces milk and operates a distributing plant, but who receives no milk from producers.

§ 943.18 Base milk. "Base milk" means producer milk received by a handler during any of the months of April

§ 943.12 Handler. "Handler" means: through June of 1956 and March through June of each year thereafter which is not in excess of each producer's daily average base computed pursuant to § 943.89 multiplied by the number of days in such month for which such producer delivered milk.

> § 943.19 Excess milk. "Excess milk" means milk received by a handler during any of the months of April through June of 1956 and March through June thereafter which is in excess of base milk received from each producer during such month, and it shall include all milk received from producers for whom no daily average base can be computed pursuant to § 943.80.

> § 943.20 Reserve supply credit. The hundredweight of reserve supply credit that may be assigned to milk moved from a supply plant to a distributing plant shall be calculated as follows: From the total hundredweight of milk classified as Class I milk at the distributing plant during the month, deduct Class I sales to other pool plant(s) and from this result deduct an amount equal to 85 percent of the total hundredweight. of milk received from producers during the month at such plant. Any plus figure resulting from this calculation shall be assigned pro rata to milk moved to such plant from supply plants unless the operator of the distributing plant notifles the market administrator in writing of a different assignment on or before the 7th day after the end of the month.

# MARKET ADMINISTRATOR

§ 943.25 Designation. The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 943.26 Powers. The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions:

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and (d) To recommend amendments to

the Secretary.

§ 943.27 Duties. The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions:

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator:

(d) Pay out of funds provided by § 943.97 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 943.96) necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may

designate:

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 943.30 to 943.32, inclusive;

(2) Maintained adequate records and facilities pursuant to § 943.33; or

(3), Made payments pursuant to §§ 943.90 to 943.95, inclusive.

- (i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization. of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class;
- (j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the price determined for each month as follows:
- (1) On or before the 5th day of each month the minimum price for Class I milk, pursuant to § 943.51 (a) and the Class I butterfat differential pursuant to § 943.52 (a) both for the current month; and the minimum price for Class II milk pursuant to § 943.51 (b) and the Class II butterfat differential pursuant to § 943.52 (b), both for the preceding month; and
- (2) On or before the 12th day of each month, the uniform prices computed pursuant to § 943.72 or § 943.73, as applicable, and the butterfat differential computed pursuant to § 943.91, both applicable to milk delivered during the preceding month; and
- (k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.
- (1) Furnish to a cooperative association for its members the data furnished pursuant to § 943.31 (a)

REPORTS, RECORDS AND FACILITIES

§ 943.30 Reports of receipts and utilization. On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk and for the base-operating months, the aggregate quantities of base

milk and excess milk;

(b) The quantities of skim milk and butterfat contained in receipts of fluid milk products from other pool plants;

(c) The quantities of skim milk and

- butterfat contained in other source milk; (d) Inventories of fluid milk products on hand at the beginning and end of the month:
- (e) The utilization of all skim milk and butterfat required to be reported pursuant to this section,
- (f) The disposition of fluid milk products on routes wholly outside the marketing area, and
- (g) Such other information with respect to receipts and utilization as the market administrator may prescribe.
- § 943.31 Payroll reports. On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month, which shall show.
- (a) The total pounds and the average butterfat test of milk received from each producer and cooperative association, the number of days, if less than the entire month for which milk was received from such producer, and, for the months of the base-operating period, such producer's deliveries of base milk and excess milk;
- (b) The amount of payment to each producer and cooperative association: and
- (c) The nature and amount of any deductions or charges involved in such payments.
- § 943.32 Other reports. (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.
- (b) Each handler who causes milk to be diverted for his account directly from producers' farms to a nonpool plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.
- § 943.33 Records and facilities. Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are. necessary for the market administrator. to verify or establish the correct data with respect to:
- (a) The receipts and utilization of all receipts of producer milk and other source milk;

- (b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;
- (c) Payments to producers and cooperative associations; and
- (d) The pounds of skim milk and butterfat contained in fluid milk products on hand at the beginning and end of each month.

§ 943.34 Retention of records. All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: Provided, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

#### CLASSIFICATION

§ 943.40 Skim milk and butterfat to be classified. All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 943.30 shall be classified by the market administrator pursuant to the provisions of §§ 943.41 to 943.46, inclusive.

§ 943.41 Classes of utilization. Subject to the conditions set forth in §§ 943.43 and 943.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and

butterfat:

- (1) Disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture (except eggnog and bulk ice cream and frozen dairy product mixes) of cream and milk or skim milk;
- (2) Used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans; and
- (3) All other skim milk and butterfat not specifically accounted for as Class II milk;
- (b) Class II milk shall be all skim milk and butterfat:
- (1) Used to produce any product other than those specified in paragraph (a) of this section:
  - (2) Disposed of for livestock feed;
- (3) Disposed of (i) as bulk milk or skim milk during the months of March through August, (ii) as bulk cream during any month, and (iii) as ungraded bulk milk or skim milk during any month, to commercial bakeries or food product manufacturing plants (other than dairy plants) which do not dispose

of milk for fluid consumption: Provided, That the amount of skim milk or butterfat so classified pursuant to subdivision (iii) of this subparagraph shall not exceed the butterfat and skim milk contained in ungraded milk received by such handler from dairy farmers during the

(4) In frozen cream stored in a public cold storage warehouse and not removed within 30 days after date of

storage:

- (5) In shrinkage up to 2 percent (5 percent, with respect to receipts of skim milk during the months of April, May and June) of skim milk and butterfat in receipts from producers;
- (6) In shrinkage of other source milk: and
- (7) In inventory at the end of the month of fluid milk products.
- § 943.42 Shrinkage. The market administrator shall allocate shrinkage over as handler's receipts as follows:
- (a) Compute the total shrinkage of skim milk and butterfat for each handler; and
- (b) Prorate the resulting amounts between the receipts of skim milk and butterfat in receipts from producers and of other source milk.
- § 943.43 Responsibility of handlers. All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified Class II milk.
- § 943.44 Transfers. Skim milk or butterfat disposed of by a handler from a pool plant shall be classified:
- (a) As Class I milk if transferred in the form of fluid milk products to the pool plant of another handler (other than a producer-handler) except as:
- (1) Utilization in Class II milk is claimed by the operator of both plants in their reports submitted pursuant to § 943.30:
- (2) The receiving handler has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively. and
- (3) The classification of the skim milk or butterfat so transferred results in the classification at both plants of the greatest possible Class I utilization to the producer milk at both plants, if either or both handlers have other source milk during the month: Provided, That this subparagraph shall not operate to classify as Class I milk any skim milk and butterfat transferred in the form of cream from ungraded sources for manufacturing purposes only from a pool plant at which ungraded milk is regularly received from dairy farmers:
- (b) As Class I milk, if transferred to a producer-handler in the form of bulk fluid milk products;
- (c) As Class I milk, if transferred or diverted in the form of milk or skim milk in bulk to a nonpool plant located (1) outside the marketing area and (2) outside the Counties of Barry, Cedar, Greene, Lawrence, Polk, Newton and McDonald in the State of Missouri; Erath, Titus, Runnels, Fayette, Chero-

kee and Wood Counties in the State of Texas; Carter, Comanche, Grady, Muskogee and Cleveland Counties in the State of Oklahoma; Benton, Scott, Franklin, and Sebastian in the State of Arkansas:

(d) As Class I milk if transferred or diverted in the form of milk or skim milk: in bulk to a nonpool plant located inside of the area described in paragraph (c) of this section unless:

(1) The handler claims classification as Class II milk in his report submitted pursuant to § 943.30;

- (2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification;
- (3) The classification reported by the handler results in an amount of Class I skim milk and butterfat claimed by all handlers transferring or diverting milk to such plant of not less than the amount of assignable Class I milk remaining after the following computation:
- (i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant, subtract the skim milk and butterfat received at the nonpool plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for such fluid milk products for such nonpool plant;
- (ii) From the remainder, subtract the skim milk and butterfat disposed of in the form of bulk cream by such plant to a second plant if it is established that such cream was disposed of as ungraded product for manufacturing use with each container so tagged and such shipment(s) is so invoiced.
- (4) If the skim milk and butterfat transferred by all handlers to such a nonpool milk plant and reported as Class I milk pursuant to this paragraph is less than the skim milk and butterfat assignable to Class I milk pursuant to sub-paragraph (3) of this paragraph, an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the claimed Class II classification reported by each of such handlers.
- (e) On the basis of the conditions and the allocation procedure described in paragraph (d) of this section at a second nonpool plant, when transferred or diverted from the pool plant as milk or skim milk in bulk to a nonpool plant located within the area described in paragraph (c) of this section and from which all receipts of milk or skim milk are moved in bulk to such a second nonpool plant for further processing; and
- (f) As Class I milk if transferred in the form of cream under Grade A certification to a nonpool plant, or unless the handler claims classification as Class II milk and establishes the fact that such cream was transferred without Grade A certification and with each container labeled or tagged to indicate that the contents are an ungraded product suitable for manufacturing use only, and that the shipment was so invoiced.

§ 943.45 Computation of the skim mills and butterfat in each class. For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of recelpts and utilization submitted by each handler and shall compute the pounds of skim milk and butterfat, respectively in Class I milk and Class II milk for such handler: Provided, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 943.46 Allocation of skim milk and butterfat classified. After making the computations pursuant to § 943.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk determined pursuant to § 943.41 (b) (5)

(2) Subtract from the remaining pounds the skim milk in Class II the pounds of skim milk received as Class II milk in the form of cream from ungraded sources from the pool plant of another handler at which ungraded milk is regularly received from dairy farmers:

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which were not subject to the Class I pricing provisions of another order issued pursuant to the act;

(4) Subtract from the remaining pounds of skim milk in Class II milk, 5 percent of the skim milk contained in producer milk receipts or the remaining pounds of skim milk in Class II milk whichever is less;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk which were subject to the Class I pricing and payment provisions of another order issued pursuant to the act;

(6) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

- (7) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;
- (8) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from the pool plants of other handlers in the form of fluid milk products (other than that subtracted pursuant to subparagraph (2) of this paragraph) according to the classification thereof determined pursuant to § 943.44 (a)

(9) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(10) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a)

of this section; and

(c) Add the pounds of skim milk and butterfat allocated to producer milk in each class, pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in each class.

#### MINIMUM PRICES

§ 943.50 Basic formula price to be used in determining Class I prices. The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a), (b) and (c) of this section.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0.

#### Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Company, Manitowoc, Wis.

White House Milk Company, West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values computed pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof, and multiply by 4.0.

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

(c) The average of the basic or field prices reported to have been paid or to-

be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department;

#### Present Operator and Location

Carnation Co., Sulphur Springs, Tex. The Borden Co., Mount Pleasant, Tex. Lamar Creamery, Paris, Tex.

§ 943.51 Class prices. Subject to the provisions of § 943.52, the minimum prices per hundredweight to be paid by each handler for milk received at his pool plant from producers during the month shall be as follows:

(a) Class I milk. The basic formula price for the preceding month (rounded to the nearest one-tenth cent) plus \$2.00 for the months of March through June and plus \$2.20 for all other months subject to a supply-demand adjustment of not more than 50 cents computed as follows:

(1) For each month calculate a utilization percentage (to the nearest whole percentage) by dividing the total pounds of milk received from all producers at pool plants during the second and third preceding months by the total pounds of Class I milk (adjusted to eliminate duplications due to interhandler transfers) disposed of from such plants during the same 2-month period; and

(2) For each percentage that the utilization percentage is less than the minimum percentage listed below for the applicable 2-month period the Class I price shall be increased 3 cents, and for each percentage that the utilization percentage is more than the maximum percentage listed below for such 2-month period the Class I price shall be decreased 3 cents:

## PERCENTAGES

2-month period	Mini- mum	Maxi- mum	Month to which adjust- ment applies
January-February February-March March-April April-May May-June June-July July-August August-September September-October November-December December-January	123 132 138 142 138 131 123 115 107 108 114	125 134 140 144 133 125 117 109 110 116 120	April. May. June. July. August. September. October. November. December. January. February. March.

(b) Class II milk. For each of the months of April, May and June, the price computed pursuant to § 943.50 (c) and for each of the other months of the year, the higher of the prices computed pursuant to § 943.50 (b) or (c) rounded in each case to the nearest one-tenth cent.

§ 943.52 Butterfat differentials to handlers. If the average butterfat content of the milk of any handler allocated to any class pursuant to § 943.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 943.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent, or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent, an

amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the appropriate month by the applicable factor listed below and rounding to the nearest one-tenth cent:

(a) Class I milk. Multiply such price for the preceding month by 0.125;

(b) Class II milk. Multiply such price for the current month by 0.115, except during the months of March, April, May and June multiply by 0.110.

§ 943.53 Location differentials to handlers. For that milk which is received from producers at a pool plant located 110 miles or more from the City Hall, of Dallas, Texas, and which is transferred to another pool plant in the form of fluid milk products and assigned to Class I milk pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 943.50 (a) shall be reduced at the rate of 1.5 cents for each 10 miles or fraction thereof that such pool plant is located from the Dallas City Hall by shortest hard-surfaced highway distance, as determined by the market administrator: Provided, That for purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 943.46 (a) (1) through (7) and the corresponding steps in § 943.46 (b) for such plant less 5 percent of the direct receipts of producer milk at such plant, such assignment to the plant from which transferred to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

# APPLICATION OF PROVISIONS

§ 943.60 Producer-handlers. Sections 943.40 through 943.46, 943.50 through 943.52, 943.70 through 943.73, 943.80 through 943.81, and 943.90 through 943.97 shall not apply to a producer-handler.

§ 943.61 Plants subject to other Federal orders. A plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool milk plant during the month except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 943.30), and allow verification of such reports by the market administrator.

(a) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk is disposed of from such plant through routes in the North Texas marketing

area than in the marketing area regulated pursuant to such other order.

(b) Any supply plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless such plant qualified as a pool plant pursuant to § 943.9 for each of the preceding months of September through December.

§ 943.70 Computation of value of milk. The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

 (a) Multiply the pounds of such milk in each class by the applicable respective class prices and add together the resulting amounts;

(b) Add the amount computed by multiplying the pounds of overage deducted from each class pursuant to § 943.46 (a) (8) by the applicable class price(s) and

(c) Add the amount computed by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat in Class II milk after making the calculations for such handler pursuant to § 943.46 (a) (8) and the corresponding step of (b) for the preceding month or by the hundredweight of skim milk or butterfat subtracted from Class I milk pursuant to § 943.46 (a) (7) and the corresponding step of (b) for the current month, whichever is less respectively.

§ 943.71 Computation of aggregate value used to determine uniform price(s) For each month the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 943.70 for all handlers who made the reports prescribed in § 943.30 and who made the payments pursuant to §§ 943.90 and § 943.93 for the preceding month.

(b) Add not less than one-half of the cash balance on hand in the producer-settlement fund, less the total amount of the contingent obligations to handlers pursuant to § 943.94.

(c) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent or add if such average butterfat content is less than 4.0 percent an amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 943.91 (a) and multiplying the resulting figure by the total hundredweight of such milk;

(d) Add the aggregate of the values of the location differtials to producers pursuant to § 943.91 (b)

§ 943.72 Computation of uniform price. For each of the months of July through February, and for March of 1956, the market administrator shall compute the uniform price per hundred-weight for producer milk of 4.0 percent butterfat content at pool plants at

which no location differential applies as follows:

(a) Divide the aggregate value computed pursuant to § 943.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 943.73 Computation of uniform prices for base milk and excess milk. For each of the months of April through June 1956, and March through June, thereafter, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content at pool plants at which no location differential applies as follows:

(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in the computations pursuant to § 943.71 by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 butterfat content, plus 4 cents, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(b) (1) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, and subtract not less than 4 cents nor more than 5 cents.

(2) The resulting figure shall be the uniform price for excess milk.

(c) Subtract the value of excess milk obtained in paragraph (a) of this section from the aggregate value computed pursuant to § 943.71,

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations;

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk.

## DETERMINATION OF BASE

§ 943.80 Computation of daily average base for each producer For the months of April through June of 1956 and March through June of each year thereafter the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 943.81,

(a) Divide the total pounds of producer milk received from such producer at a pool plant(s) during the immediately preceding base-forming period of October 1955 through January 1956 and September through December, thereafter, by the number of days from the first day for which such producer made deliveries during such period to the last day of such period, less the number of days for which no deliveries are made, or by 90 through January 1956 and 100 thereafter, whichever is more.

§ 943.81 Base rules. (a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 943.80 to each person for whose account producer milk was delivered to pool plants during the base-forming period;

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the beginning of the month next following the receipt by the market administrator of an application for such transfer, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, or assigns and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base shall be transferable only upon the receipt of such application signed by all joint holders or their heirs, or assigns.

§ 943.90 Time and method of payment. Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to §§ 943.72 and 943.73, adjusted by the butterfat differential computed pursuant to § 943.91 (a) and the location differential computed pursuant to § 943.91 (b) and less the amount of the payment made pursuant to paragraph (b) of this section: Provided, That if by such date such handler has not received full payment for such month pursuant to § 943.94 he may reduce his total payments to all producers uniformly by not less than the amount of reduction in payments from the market administrator: he shall. however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month, to each producer (1) for whom payment is not made pursuant to paragraph (c) of this section and (2) who has not discontinued delivery of milk to such handler, an advance payment for milk received from such producer during the first 15 days of such month computed at not less than the Class II price for 4 percent milk of the preceding month, without deduction for hauling.

(c) On or before the 13th and 23d days of each month, in lieu of payments pursuant to paragraphs (a) and (b) of this section respectively, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payments, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payment shall be acompanied by a statement showing for each producer the items required to be reported pursuant to § 943.31.

(d) On or before the 13th day after the end of the month each handler shall pay to each cooperative association which is also a handler for milk received from it not less than the value of such milk as classified pursuant to § 943.44 (a) at the applicable respective class

prices, including differentials prescribed by the order.

§ 943.91 Butterfat and location differentials to producers. (a) In making payments pursuant to § 943.90 (a) or (c) there shall be added to, or subtracted from the uniform price for each onetenth of one percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount determined from the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the month, according to the following table:

(b) In making payments to producers pursuant to § 943.90 (a) or (c) the applicable uniform prices to be paid for producer milk received at a pool plant located 110 miles or more from the City Hall of Dallas, Texas by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced 1.5 cents for each 10 miles or fraction thereof that such plant is located from the Dallas City Hall.

§ 943.92 Producer-settlement fund. The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 943.93 and 943.95, and out of which he shall make all payments to handlers pursuant to §§ 943.94 and 943.95.

§ 943.93 Payments to the producer-settlement fund. On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 943.70 is greater than the amount required to be paid producers by such handler pursuant to § 943.90.

§ 943.94 Payments out of the producer-settlement fund. On or before the 14th day after the end of the month during which the milk was received, the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 943.70 is less than the amount required to be paid producers by such handler pursuant to § 943.90: Provided, That if the balance in the producersettlement fund is insufficient to make all payments pursuant to this paragraph.

the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available: And pro-unded further That any amount due a handler pursuant to this section may be reduced by the amount of any unpaid balances due the market administrator from such handler pursuant to §§ 943.90, 943.93, 943.95, 943.96 or 943.97.

§ 943.95 Adjustment of accounts—(a) Payments. Whenever verification by the market administrator of any handler's reports, books, records, accounts or payments discloses errors resulting in money due:

- (1) The market administrator from such handler;
- (2) Such handler from the market administrator or
- (3) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.
- (b) Overdue accounts. Any unpaid obligation of a handler or of the market administrator pursuant to §§ 943.90, 943.93, 943.94, 943.96, 943.97 or paragraph (a) of this section shall be increased one-half of one percent on the first day of the calendar month next following the due date of such obligation and, on the first day of each calendar month thereafter until such obligation is paid.
- § 943.96 Marketing services. (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 943.90, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which such deduction was computed for each such producer.

§ 943.97 Expenses of administration. As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month 4 cents per hundredweight, or such amount not exceed-

ing 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is allocated to Class I milk pursuant to § 943.46 and (b) milk from producers (including such handler's own production)

§ 943.98 Termination of obligation. The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the

(1) The amount of the obligation; (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and,

following information:

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is

claimed, unless such handler, within the applicable period of time, files, pursuant to section 8 (c) (15) (A) of the act, a petition claiming such money.

# EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 943.100 Effective time. The provisions of this subpart or any amendment hereto shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 943.101.

§ 943.101 Suspension or termination. The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 943.102 Actions after suspension or termination. If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

§ 943.103 Liquidation. Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such litigation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

### MISCELLANEOUS PROVISIONS

\$ 943.110 Agents. The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 943.111 Separability of provisions. If any provision of this subpart or its application to any person or circumstances, is held invalid, the application of such provision and the remaining provisions of this subpart to other persons or circumstances, shall not be affected thereby.

Issued at Washington, D. C., this 11th day of August, 1955.

[SEAL] F. R. Burke,
Acting Deputy Administrator.

[F. R. Doc. 55-6671; Filed, Aug. 15, 1955; 8:54 a. m.]

# NOTICES

# DEPARTMENT OF THE TREASURY

# Foreign Assets Control

IMPORTATION OF MARINE PRODUCTS, FRESH FROZEN, DIRECTLY FROM HONG KONG

AVAILABLE CERTIFICATIONS BY THE GOVERNMENT OF HONG KONG

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodity Marine products, fresh frozen,

[SEAL]

ELTING ARNOLD,
Acting Director
Foreign Assets Control.

[F. R. Doc. 55-6663; Filed, Aug. 15, 1955; 8:53 a. m.]

# DEPARTMENT OF DEFENSE

Office of the Secretary

SECRETARY OF THE ARMY

DELEGATION OF AUTHORITY WITH RESPECT TO SUPERVISION AND DIRECTION OF SAINT LAWRENCE SEAWAY DEVELOPMENT CORPO-RATION

In accordance with the provisions of subsection 202 (f) of the National Security Act, as amended (63 Stat. 581, 5 U. S. C. 171 (a)) and section 5 of Reorganization Plan No. 6 of 1953 (67 Stat. 638) I hereby delegate to the Secretary of the Army full power and authority to act for and in the name of the Secretary of Defense and to exercise the powers of

the Secretary of Defense upon any and all matters concerning which the Secretary of Defense is authorized to act pursuant to Executive Order 10534 providing for the supervision and direction of the Saint Lawrence Seaway Development Corporation.

The authority delegated herein may not be redelegated.

Delegation of authority published at 19 F. R. 3815 is hereby canceled.

C. E. WILSON, Secretary of Defense.

August 4, 1955.

[F. R. Doc. 55-G626; Filed, Aug. 15, 1955; 8:45 a. m.]

## DEPUTY SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY TO EXERCISE POWERS OF SECRETARY

In accordance with the provisions of subsection 202 (f) and subsection 203 (a) of the National Security Act, as amended (61 Stat. 495; 5 U. S. C. 171a) and section 5 of the Reorganization Plan No. 6 of 1953 (67 Stat. 638), I hereby delegate to Deputy Secretary of Defense Reuben B. Robertson, Jr. full power and authority to act for and in the name of the Secretary of Defense and to exercise the powers of the Secretary of Defense upon any and all matters concerning which the Secretary of Defense is authorized to act pursuant to law.

The authority delegated herein may not be redelegated.

C. E. WILSON, Secretary of Defense.

August 5, 1955.

[F. R. Doc. 55-6627; Filed, Aug. 15, 1955; 8:45 a. m.]

# CIVIL SERVICE COMMISSION

CERTAIN MEDICAL OFFICER POSITIONS
THROUGHOUT CONTINENTAL U. S., INCLUDING ALL TERRITORIES AND POSSESSIONS, AND IN FOREIGN COUNTRIES;
CERTAIN TECHNOLOGIST POSITIONS
THROUGHOUT CONTINENTAL U. S.

NOTICE OF INCREASE IN MINIMUM PATES OF PAY

## Correction

In F. R. Document 55-6299, appearing in the issue for Thursday, August 4, 1955, at page 5606 change the word "specifications" in line 7 of paragraph 1 to read "specializations"

# DEPARTMENT OF THE INTERIOR

# **Bureau of Land Management**

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

August 5, 1955.

The Bureau of Land Management has filed an application, Serial No. Anchorage 025267, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for public service sites.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 430, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

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The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SEWARD MERIDIAN

Township 13 N., Range 3 W., Section 13: Lots 46 and 54.

Containing 5 acres.

Lowell M. Puckett,
Area Administrator

[F. R. Doc. 55-6633; Filed, Aug. 15, 1955; 8:47 a. m.]

#### ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 5, 1955.

The Bureau of Land Management has filed an application, Serial No. Anchorage 026981, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for public service sites.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

The lands involved in the application

SEWARD MERIDIAN

T. 15 N., R. 1 W.,

. 16 N., K. 1 W., Section 5: Lots 68, 78 and 79; Section 9: Lots 10, 14, NE4NE4SE4, NY SE4NE4SE4, WYSW4SE4NE4SE4, NYNW4SE4SE4, WYNW4NE4SE4 SE4.

Containing 49.08 acres.

Lowell M. Puckett, Area, Administrator

[F. R. Doc. 55-6634; Filed, Aug. 15, 1955; 8:47 a. m.]

## ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 5, 1955.

Territorial Department of Lands has filed an application, Serial No. Fairbanks 012594, for the withdrawal of the lands described below, from all forms of appropriation including the mining laws. The applicant desires the land for public service sites.

For a period of 60 days from the date of publication of this notice, persons

having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

The lands involved in the application

FAIRBANKS MERIDIAN

Township 7 S., Range 5 E.,
Section 12: a portion of Lot 5 which if
described by aliquot parts of the section
would be SW4NE4SW4SW4 and
SE4NW4SW4SW4.

Containing 5 acres.

Lowell M. Puckett,
Area Administrator

[F. R. Doc. 55-6635; Filed, Aug. 15, 1955; 8:47 a. m.]

#### ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 5, 1955.

The Bureau of Land Management has filed an application, Serial No. Fairbanks 010571, for the withdrawal of the lands described below, from all forms of appropriation including the mining laws. The applicant desires the land for public recreational purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

The lands involved in the application

Beginning at a point on the beach at the northeast end of Fielding Lake, approximate latitude 63° 11′ 30′′ North, longitude 145° 37′ West, Corner No. 1, a wooden stake 36′′ x 3′′ x 2′′ marked CI-TR4; thence northwesterly along the shoreline of Fielding Lake to the outlet stream and northerly along east bank of said stream a total distance of 60 chains to Corner No. 2 (unmarked); thence N. 70° E., 7 chains, to Corner No. 3 (unmarked); thence S. 9° E., 16 chains, to Corner No. 4, a wooden stake 36′′ x 3′′ x 2′′ marked C4-TR4; thence S. 60° E., 36 chains, to Corner No. 5 (unmarked); thence S. 34° W., 5.50 chains, along west line of Small Tract 30 of Fielding Lake Small Tract group to the point of beginning. Containing 36.9 acres, more or less.

LOWELL M. PUCKETT,

Area Administrator

[F. R. Doc. 55-6636; Filed, Aug. 15, 1955; 8:47 a. m.]

#### ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 5, 1955.

The Bureau of Land Management has filed an application, Serial No. Anchorage 025583, for the withdrawal of the lands described below, from all forms of appropriation including the materials, mining, and mineral leasing acts. The applicant desires the land for public service sites.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

#### SEWARD MERIDIAN

Township 19 N., Range 4 W., Section 28: Lots 9 and 26; Section 33: Lot 54; Section 34: Lots 20, 21, 28 and 29.

Comprising 7 lots aggregating 53.42 acres.

Lowell M. Puckett,
Area Administrator

[F. R. Doc. 55-6637; Filed, Aug. 15, 1955; 8:47 a. m.]

# ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 5, 1955.

The Bureau of Land Management has filed an application, Serial No. Anchorage 025274, for the withdrawal of the lands described below, from all forms of appropriation including the general mining laws. The applicant desires the land for public recreational purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application

SEWARD MERIDIAN

T. 17 N., R. 3 W., Section 4: Lot 7.

Containing 30.47 acres.

LOWELL M. PUCKETT, Area Administrator.

[F. R. Doc. 55-6638; Filed, Aug. 15, 1955; 8:48 a. m.]

#### Alaska

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 5, 1955.

The Bureau of Land Management has filed an application, Serial No. Anchorage 025185, for the withdrawal of the lands described below, from all forms of appropriation including the general mining laws. The applicant desires the land for public recreational purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management. Department of the Interior, Box 480. Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

# SEWARD MERIDIAN

LITTLE SUSITNA RIVER RECREATION AREA T. 18-N., R. 3 W. Section 22: SE%SW% and SW%SE%.

Containing 80 acres.

ANCHOR RIVER CAMPGROUND

T. 4 S., R. 15 W., Section 22: Lot 3.

Containing 33.50 acres.

STARISKY CAMPGROUND

T. 4 S., R. 15 W., Section 11. Lot 3.

Containing 30.05 acres.

LOWELL M. PUCKETT. Area Administrator

[F. R. Doc. 55-6660; Filed, Aug. 15, 1955; 8:52 a. m.]

## ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

AUGUST 9, 1955.

The Bureau of Land Management has filed an application, Serial No. Anchorage 030577, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for public recreational

For a period of 60 days from the date of publication of this notice, persons having cause may present their objec- coutherly meandering the west bank of said tions in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

#### ANCHORAGE LAND DISTRICT

### SUSITNA RIVER AREA

An area adjoining the south side of the Denali Highway and the west side of the Susitna River at their intercection at approximate mile 56.5 of the Denali Highway as measured from the intersection of the McKinley Park-Summit-Denali Highway roads and more particularly described as

Beginning at a point on the centerline of the Denali Highway where said Highway intersects the west bank of the Susitna River at approximate latitude 63°07'40" N., longitude 146°31'18" W., as shown on the 1952 edition of the U. S. G. S. topographic quadrangle Healy (A-2), Alaska; thence westerly along the centerline of the Denall Highway 20 chains; thence south 40 chains; thence easterly and parallel to the centerline of the said Highway approximately 23 chains to a point on the west bank of the Susitna River; thence northerly following the meanders of the west bank of said river to the point of beginning on the centerline of the Denali Highway.

### Containing approximately 82 acres.

#### CLEARWATER CREEK AREA

An area embracing a portion of Clearwater Creek at the site of its crossing by the Denali Highway at approximate mile 76.5 as measured from the intersection of the McKinley Park-Summit-Denail Highway roads and more particularly described as follows:

Beginning on the centerline of the Denali Highway at a point which is situated approximately 5 chains easterly of the intersection of said Highway and the east bank of Clearwater Creek at approximate latitude 63°02'32" N., longitude 146°52'44" W., as shown on the 1952 edition of the U.S.G.S. shown on the 1952 edition of the U. S. G. S. topographic quadrangle Mt. Hayes (A-6). Alaska; thence south 30° W., 60 chains; thence north 60° W., 20 chains to a point situated on the west side of Clearwater Creek; thence north 30° E., 75 chains; thence southerly to the point of beginning being a direction of approximately south 27° E., for approximately 25 chains.

# Containing approximately 135 acres.

# MACLAREN RIVER AREA

An area adjoining the north side of the Denali Highway and the west cide of the Maclaren River at the river crossing at approximate mile 90 of the Denali Highway as measured from the intersection of the Mc-Kinley Park-Summit-Denali Highway roads and more particularly described as follows:

Beginning at a point on the centerline of the Denali Highway at the point of its intersection with the west bank of the Maclaren River at approximate latitude 63°06'48" N., longitude 146°32'06" W., as shown on the 1952 edition of the U. S. G. S. topographic quadrangle Mt. Hayes (A-6), Alaska; thence westerly along the centerline of said Highway 2½ chains; thence north 15 chains; thence east approximately 17 chains to the west bank of the Maclaren River; thence

river to the point of beginning.

Containing approximately 16 acres.

LOWELL M. PUCKETT, Area Administrator.

[F. R. Doc. 55-6881; Filed, Aug. 15, 1955; 8:53 a. m.]

# DEPARTMENT OF LABOR

# Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U.S.C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522) special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended April 19, 1955, 20 F. R. 2304)

Clayburne Manufacturing Co., Inc., Clayton, Ga., effective 8-5-55 to 8-4-56, 10 percent of the total number of factory production workers for normal labor turnover

purposes (sport shirts).
Creston Knitting Mills, Inc., Swainshoro,
Ga., effective 8-3-55 to 2-2-56, 50 learners

Ga., elective 8-3-55 to 2-2-56, 30 learners for plant expansion purposes (sport shirts). Dickeon Manufacturing Co., Dickson, Tenn., effective 8-8-55 to 8-7-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts).

Glacer Bros., Inc., Eldon, Mo., effective 8-8-55 to 8-7-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (men's . (adaala

Jaco Pants, Inc., Ashburn, Ga., effective 8-8-55 to 8-7-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (men's dress pants).

M. Janowitch & Sons, Main and Market Streets, Mahanoy City, Pa., effective 8-21-55 to 8-20-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' dresses).

Lillington Garment Co., Inc., Lillington, N. C., effective 8-5-55 to 2-4-56, 25 learners for plant expansion purposes (sport shirts).

Marine Garment Co., Inc., Marine, Ill., effective 8-5-55 to 8-4-56, 10 learners for

normal labor turnover purposes (women's

contact that the purposes (women's coports wear, etc.).

Quaker Manufacturing Co., Inc., Lewisburg,
Pa., effective 8-4-55 to 8-3-56, 10 percent of the total number of factory production workero for normal labor turnover purposes

(women's nightwear).
Salem Garment Co., Inc., Salem, S. C., effective 8-11-55 to 8-10-56, 10 percent of the 5956 NOTICES

total number of factory production workers for normal labor turnover purposes (women's dresses, etc.).

Salem Garment Co., Inc., Salem, S. C., effective 8-11-55 to 2-10-56, 25 learners for plant expansion purposes (women's dresses,

etc.).
The Salem Co., Inc., Junia and Lomond Avenues, Winston-Salem, N. C., effective 8-8-55 to 8-7-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (denim dungarees).
Standard Romper Co., Inc., 335 Forest Ave-

Standard Romper Co., Inc., 335 Forest Avenue, Portland, Maine, effective 8-2-55 to 8-1-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (children's outerwear).

turnover purposes (children's outerwear).
Supak & Sons Manufacturing Co., Weeksville Highway, Elizabeth City, N. C., effective
8-10-55 to 11-9-55, 175 learners for plant
expansion purposes (children's and infants'
outerwear).

Todd Manufacturing Co., Eikton, Ky., effective 8-9-55 to 8-8-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (work and sport shirts).

Wright Manufacturing Co., Toccoa, Ga., effective 8-20-55 to 8-19-56, 10 percent of the total number of factory production workers for normal labor turnover purposes (cotton work clothing).

Zulick's Underwear Mill, rear 128 Center Avenue, Schuylkill Haven, Pa., effective 8-8-55 to 8-7-56, 10 learners for normal labor turnover purposes (children's outerwear and ladies' blouses).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43 as amended April 19, 1955, 20 F R. 2304)

Alba Hoslery Mills, Inc., Valdese, N. C., effective 8-8-55 to 8-7-56, 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended April 19, 1955, 20 F. R. 2304)

Dothan Manufacturing Co., Dothan, Ala., effective 8-4-55 to 8-3-56, 5 percent of the total number of factory production workers for normal labor turnover purposes (men's shorts and pajamas).

Hensley Mills, Inc., 1800 South Main

Hensley Mills, Inc., 1800 South Main Street, Paris, Ky., effective 8-8-55 to 8-7-56, 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' woven undershirts).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended April 19, 1955, 20 F R. 2304)

Faith Shoe Co., Inc., 25–43 Beekman Street, Wilkes-Barre, Pa., effective 8-3-55 to 8-2-56, 10 percent of the number of productive factory workers.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

Palm Beach Co., 522 Baxter Avenue NW., Knoxville, Tenn., effective 8-1-55 to 7-31-56, 7 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of machine operators (except cutting), handsewers, pressers; each 480 hours at not less than 70 cents an hour for the first 240 hours and not less than 72½ cents an hour for the remaining 240 hours (men's summer suits).

ing 240 hours (men's summer suits).

P & K Inc., 122 North Dixie Highway,
Momence, Ill., effective 8-1-55 to 1-31-56, 6
learners for normal labor turnover purposes
in the occupations of fish hook benders and
fish hook brazers; 240 hours at not less than
70 cents per hour (fishing tackle).

The following special learner certificate was issued in Hawaii to the company hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the learner wage rates are indicated, respectively.

Hawaiian Casuals, 1024 Bethel Street, Honolulu, T. H., effective 8-9-55 to 8-8-56, 2 learners for normal labor turnover purposes in the occupations of sewing machine operating, and finishing operations involving hand-sewing; each 480 hours at 70 cents for the first 320 hours and 72½ cents an hour for the remaining 160 hours. (Learners are not authorized to be employed at subminimum wage rates in the production of skirts.) (Men's, women's and children's sportswear, etc.)

The following special student-worker certificates were issued to the school-operated industries listed below.

Adelphian Academy, Holly, Mich., effective 9-1-55 to 8-31-56, 40 learners in the occupations of machine operator, assembler and related skilled and semiskilled occupations including incidental clerical work in a woodwork shop; 250 hours at 65 cents per hour and 250 hours at 75 cents per hour.

Auburn Academy, Auburn, Wash., effective 9-1-55 to 8-31-56, 60 learners in the occupations of assembler (furniture), machine operator, furniture finisher helper and related skilled and semi-skilled occupations in a woodwork shop; 375 hours at 65 cents an hour and 375 hours at 70 cents an hour.

hour and 375 hours at 70 cents an hour. Cedar Lake Academy, Cedar Lake, Mich., effective 9-1-55 to 8-31-56, 35 learners in the occupations of assembler, machine operator, and related skilled and semiskilled occupations including incidental clerical work in a woodwork shop; 375 hours at 65 cents per hour and 375 hours at 70 cents per hour.

Glendale Union Academy, 700 Kimlin Drive, Glendale, Calif., effective 9-1-55 to 8-31-56, 3 learners in the occupations of compositor, pressman, finisher and related skilled and semiskilled occupations in a print shop; 500 hours at 65 cents per hour and 500 hours at 70 cents per hour.

La Sierra College, Arlington, Calif., effective 9-1-55 to 8-31-56, 10 learners in the occupations of pressman, compositor, linotype operator, bindery worker and related skilled and semiskilled occupations in a print shop; 500 hours at 65 cents per hour and 500 hours at 70 cents per hour.

Lodi Academy, 1215 South Garfield, Lodi, Calif., effective 9-1-55 to 8-31-56, 3 learners in the occupations of compositor, pressman and related skilled and semiskilled occupations in a print shop; 500 hours at 65 cents per hour and 500 hours at 70 cents per hour.

Oak Park Academy, Nevada, Iowa, effective 9-1-55 to 8-31-56, 6 learners to be employed in a print shop in the occupations of compositor, pressman and related skilled and semiskilled occupations; 500 hours at 65 cents an hour and 500 hours at 70 cents an hour; and 7 learners to be employed in a broom shop in the occupations of broom maker (winder) stitcher, sorter, and related skilled and semiskilled occupations; 200 hours at 65 cents an hour and 200 hours at 70 cents an hour.

Oakwood College, Huntsville, Ala., effective 9-1-55 to 8-31-56, 20 learners to be employed in a broom shop as broom maker, sorter, winder, stitcher and related skilled and semi-skilled occupations, 200 hours at 65 cents per hour and 200 hours at 70 cents per hour.

Plainview Academy, Redfield, S. Dak., effective 9-1-55 to 8-31-56, 10 learners to be employed in a broom shop as broom makers and related skilled and semiskilled occupations, 200 hours at 65 cents per hour and 200 hours at 70 cents per hour.

Sunnydale Academy, Centralia, Mo., effective 9-1-55 to 8-31-56, 18 learners to be employed in food manufacturing at semiskilled occupations only; 150 hours at 65 cents per hour and 150 hours at 70 cents per hour. Thunderbird Academy, Scottsdale, Arlz., effective 9-1-55 to 8-31-56, 25 learners to be

Thunderbird Academy, Scottsdale, Ariz., effective 9-1-55 to 8-31-56, 25 learners to be employed in a woodwork shop in the occupations of assembler (furniture), woodworking machine operator, furniture finisher helper, and related skilled and semiskilled occupations including incidental elerical work in the shop; 375 hours at 65 cents per hour and 376 hours at 70 cents an hour.

Washington Missionary College, 7600 Flower Avenue, Takoma Park, Washington, D. C., effective 9-1-55 to 8-31-56, 3 learners to be employed in a print shop as pressman, compositor and related skilled and somiskilled occupations; 500 hours at 65 cents per hour and 500 hours at 70 cents per hour; 2 learners to be employed in bindery shop as machine operator, hand stitcher and related skilled and semiskilled occupations; 300 hours at 65 cents per hour and 300 hours at 70 cents per hour; and 2 learners to be employed in clerical shop at the occupations of clerk, typist, stenographer, bookkeeper and related clerical occupations; 300 hours at 65 cents per hour and 300 hours at 70 cents per hour and 300 hours at 70 cents per hour.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled m the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 9th day of August 1955.

ROBERT G. GRONEWALD, Authorized Representative of the Administrator

[F. R. Doc. 55-6640; Filed, Aug. 15, 1955; 8:49 a. m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 6485, et al.]

TRANS-TEXAS RENEWAL AND PERMANENT CERTIFICATE CASES

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceedings is assigned to be held on September 7, 1955, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 10, 1955.

[SEAL] FRANCIS W. BROWN, Chief Examiner

[F. R. Doc. 55-6664; Filed, Aug. 15, 1955; 8:53 a. m.]

[Docket No. 1841 et al.] DENVER SERVICE CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on September 14, 1955, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., August 11, 1955.

[SEAL]

Francis W Brown, Chief Examiner

[F. R. Doc. 55-6665; Filed, Aug. 15, 1955; 8:53 a. m.]

[Docket No. 7218]

West Coast Airlines, Inc., Permanent Certification Show Cause Order, E-9426

NOTICE OF CHANGE OF HEARING

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that the hearing in the above-entitled matter now assigned to be held on August 22 is reassigned for August 19, at 10:00 a. m., e. d. s. t., in Room 5132, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., August 10, 1955.

[SEAL]

Francis W. Brown, Chief Examiner

[F. R. Doc. 55-6666; Filed, Aug. 15, 1955; 8:53 a. m.]

[Docket No. 5564]

TUCSON AIRPORT AUTHORITY

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Tucson Airport Authority under section 401 (h) of the Civil Aeronautics Act of 1938, as amended, for the amendment of the certificate of public convenience and necessity of Trans World Airlines for Route 2, so as to include the City of Tucson, Arizona, as an intermediate point on the route between Amarillo, Texas, and Los Angeles, California.

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on September 12, 1955, at 10:00 a. m., e. d. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner William J. Madden.

Dated at Washington, D. C., August 11, 1955.

[SEAL]

Francis W Brown, Chief Examiner

[F. R. Doc. 55-6667; Filed, Aug. 15, 1955; 8:53 a. m.]

[Docket No. 914]

ARTHUR W. GLOSE

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Arthur W Glose for a certificate of public convenience and necessity to transport by air in interstate commerce, property including household goods, and related articles, between airports in Pennsylvama, Camden, and Newark, New Jersey, New York, New York, and Wilmington, Delaware, and airports in other States named herein.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on September 20, 1955, at 10:00 a. m., e. d. s. t., in Room E-206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner F Merritt Ruhlen.

Dated at Washington, D. C., August 11, 1955.

[SEAL]

Francis W. Brown, Chief Examiner.

[F. R. Doc. 55-6668; Filed, Aug. 15, 1955; 8:53 a. m.]

# FARM CREDIT ADMINIS-TRATION

[Farm Credit Administration Order 632]

CERTAIN OFFICERS

AUTHORITY AND ORDER OF PRECEDENCE TO ACT AS DIRECTOR OF LAND BANK SERVICE

AUGUST 10, 1955.

1. R. E. Nowlan, Deputy Director of Land Bank Service, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Director of Land Bank Service in the event that the Director is unavailable to act by reason of his absence or for any other cause.

2. Don H. Bushnell, Chief of Appraisals, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Director of Land Bank Service in the event that the Director and Deputy Director Nowlan are unavailable to act by reason of absence or for any other cause.

3. E. C. Johnson, Assistant Deputy Director of Land Bank Service, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Director of Land Bank Service in the event that the Director, Deputy Director Nowlan, and Chief of Appraisals Bushnell are unavailable to act by reason of absence or for any other cause.

4. Paul Tomasello, Chief of NFLA Operations, is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Director of Land Bank Service in the event that the Director, Deputy Director Nowlan, Chief of Appraisals Bushnell, and Assistant Deputy Director Johnson are unavailable to act by reason of absence or for any other cause.

5. This order shall be and become effective on the date above written and supersedes Farm Credit Administration Order No. 601 (19 F. R. 4392).

[SEAL]

R. B. TOOTELL, Governor

Farm Credit Administration.

[F. R. Doc. 55-6641; Filed, Aug. 15, 1955; 8:49 a. m.]

# FEDERAL CIVIL DEFENSE ADMINISTRATION

[FCDA Delegation No. 3]

SECRETARIES OF COMMERCE AND INTERIOR

DELEGATIONS OF AUTHORITY

By virtue of the authority vested in me by section 201 (b) of the Federal Civil Defense Act of 1950 (64 Stat. 1248) and in the interest of the development of the national civil-defense program contemplated by that act, including action in support of the States during a civil-defense emergency, I hereby delegate the following-described responsibilities, as indicated:

The Secretary of Commerce. I hereby delegate to the Secretary of Commerce the following-described responsibilities:

- 1. Determine and evaluate, with the cooperation of the States, counties, and cities, and assist in the planning of the needs for highway improvements to meet civil-defense requirements.
- 2. Prepare analysis of past data, conduct research, and develop techniques and capabilities leading to improved forecasts of radiological fall-out patterns.
- 3. Prepare and issue currently, as well as in an emergency, forecasts and estimates of areas likely to be covered by fall-out as a result of enemy attack. Such information is to be made available to Federal, State, and local civil-defense authorities for public information.

These responsibilities are in addition to those delegated to the Secretary of Commerce by FCDA Delegation No. 2 of September 8, 1954.

of September 8, 1954.<sup>1</sup>

The Secretary of the Interior. I hereby delegate to the Secretary of the Interior the following-described responsibilities:

Plan and direct Federal activities designed to procure, store, transport, and distribute adequate fuel supplies to attacked areas and reception centers, consistent with the national-emergency fuel program.

General Delegations. I hereby delegate to the Secretary of the Interior:

1. Authority during a civil-defense

- 1. Authority during a civil-defense emergency whenever needed to carry out the responsibilities hereunder, to employ temporarily additional personnel without regard to the civil-service laws and to incur such obligations on behalf of the United States as may be required to meet the civil-defense requirements of an attack or of an anticipated attack.
- 2. Authority to disseminate such civildefense information as may be approved from time to time by the Federal Civil Defense Administration.

General Provisions. In carrying out their responsibilities hereunder, the

<sup>119</sup> P. R. 5921.

Secretary of Commerce and the Secretary of the Interior shall be governed by the following:

- 1. The Federal Civil Defense Administrator shall provide general assumptions and program guidance relating to the said responsibilities and shall review and coordinate the carrying out of such responsibilities.
- 2. The designated officials shall take into consideration, and shall coordinate their responsibilities hereunder with, assignments respecting mobilization preparedness measures made to them by the Office of Defense Mobilization.
- 3. Each of the designated officials, as the official having primary responsibility for the matters hereby delegated to him, shall undertake to coordinate his responsibilities hereunder directly with other Federal agencies concerned, with the advice and consent of FCDA.

4. Each of the designated officials shall be responsible for submitting requests for such appropriations as may be required to implement his delegated responsibilities.

5. The designated officials shall make such reports as may be required by the Federal Civil Defense Administrator to insure consistency with national civil-defense policies and standards.

The provisions hereof shall become effective upon the date of approval by the President.

VAL PETERSON, Federal Civil Defense Administrator Approved:

DWIGHT D. EISENHOWER, August 13, 1955.

[F. R. Doc. 55-6719; Filed, Aug. 15, 1955; 12:22 p. m.]

# FEDERAL POWER COMMISSION

[Docket No. G-4180, etc.]

HEEP OIL CORP. ET AL.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

AUGUST 10, 1955.

In the matters of Heep Oil Corporation and Herman Heep, Docket No. G-4180; Heep Oil Corporation, Herman F Heep, Conroe Drilling Company, Gus S. Wortham, William A. Smith and H. C. Heldenfels, Trustee, Docket No. G-4181, Heep Oil Corporation, Docket No. G-4292; Frank W Michaux and Morris Cannan, Docket No. G-4293; Sohio Petroleum Company, Docket No. G-4582; Jules G. Franks and John K. Kelsay, Agents, Docket No. G-8765; Sunray Oil Corporation, Docket Nos. G-8826 and G-8907. Montana-Dakota: Utilities Co., Docket No. G-8767; Signal Oil and Gas Company, Docket No. G-8843.

Notice is hereby given that on July 25, 1955, the Federal Power Commission issued its findings and orders adopted July 20, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL]

J. H. GUTRIDE, Acting Secretary.

[F. R. Doc. 55-6647; Filed, Aug. 15, 1955; 8:51 a. m.]

[Docket No. E-6638] SIERRA PACIFIC POWER CO.

NOTICE OF APPLICATION SEEKING ORDER AUTHORIZING STOCK ISSUE

AUGUST 9, 1955.

Take notice that on August 2, 1955, an application was filed with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, by Sierra Pacific Power Company, a corporation organized under the laws of the State of Maine, and doing business in the States of California and Nevada, with its principal business office at Reno, Nevada, seeking an order authorizing the issuance of shares of Preferred and Common Stock, more fully described below. Applicant proposes to reclassify and change the authorized 500,000 shares of Common Stock of the par value of \$15.00 per share into 1,000,000 shares of Common Stock of the par value of \$7.50 per share and to reclassify and change the presently outstanding 312,882 shares of Common Stock of the par value of \$15.00 per share into 625,764 shares of Common Stock of the par value of \$7.50 per share. Upon the reclassification and change of such stock, Applicant proposes to issue to present holders of the outstanding 312,882 shares of Common Stock of the par value of \$15.00 per share certificates for a like number of shares of Common Stock of the par value of \$7.50 per share on the basis of one additional share of Common Stock of the par value of \$7.50 per share for each share of Common Stock of the par value of \$15.00 per share then held, in lieu of the surrender and exchange of existing certificates, which existing certificates shall thereupon be deemed to represent 312,882 shares of Common Stock of the par value of \$7.50 per share. Each of the reclassified and changed shares of Common Stock will be entitled to one vote and Applicant proposes to change its Preferred Stock so as to give holders thereof four votes per share rather than two votes per share as now provided; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 31st day of August 1955, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's Rules of Practice and Procedure. The application is on file with the Commission for public inspection.

[SEAL]

J. H. GUTRIDE, Acting Secretary.

[F. R. Doc. 55-6648; Filed, Aug. 15, 1955; 8:51 a. m.]

[Docket No. G-6998]

MERCANTILE NATIONAL BANK OF DALLAS, TRUSTEE OF M. J. FLORENCE TRUST

NOTICE OF APPLICATIONS AND DATE OF HEARING

AUGUST 10, 1955.

Take notice that Mercantile National Bank at Dallas, Trustee of the M. J.

Florence Trust (Applicant), a national banking corporation whose address is Mercantile National Bank at Dallas, Dallas 22, Texas, filed on November 30, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant produces natural gas from the Blanco field, San Juan County, New Mexico, Large Canyon field, Rio Arrika County, New Mexico, and the Aztec field, San Juan County, New Mexico which is sold to the El Paso Natural Gas Company for the transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on September 14, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before August 30, 1955. Failure of any party to appear at and participate in the hearing will be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

J. H. Gutride, Acting Secretary.

[F. R. Doc. 55-6649; Flied, Aug. 15, 1955; 8:51 a. m.]

[Docket No. G-9025]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

AUGUST 10, 1995.

Take notice that on June 9, 1955, Texas Eastern Transmission Corporation (Applicant), a Delaware corporation having its principal place of business at Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain facilities for a short-term sale of natural gas to a new customer in Pennsylvania,

all as more fully represented in the application which is on file with the Commission and open for public inspection.

By its application Applicant represents that it proposes to sell firm natural gas to the T. W. Phillips Gas & Oil Company, commencing on November 1, 1955, and terminating on October 31, 1956. The service agreement attached to the application indicates an annual contract quantity of 746,640 Mcf and a maximum daily quantity of 2,040 Mcf.

The proposed sale is to be made under Applicant's DCQ-D Rate Schedule which is contained in its FPC Gas Tariff, Sec-

ond Revised Volume No. 1.

In order to make the proposed sale, Applicant proposes to construct and operate a metering and regulating station near Delmont in Westmoreland County, Pennsylvania, which will enable Applicant to deliver gas from the 24-inch Texas Eastern Penn-Jersey Transmission Corporation line near the Oakford Storage Field.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and

to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on September 12, 1955, at 9:30 a.m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: Provided, however That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (c) (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before September 1, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

J. H. GUTRIDE, Acting Secretary.

[F. R. Doc. 55-6650; Filed, Aug. 15, 1955; 8:51 a. m.]

[Project No. 2191]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

AUGUST 10, 1955.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by Facific Power & Light Company, of Portland, Oregon, for preliminary permit for proposed Project No. 2191, ten-

No. 159----7

tatively known as the "Meadows Power Development," to be located on the Lewis River and its tributaries in Skamania County, and affecting lands of the United States within Gifford Pinchot National Forest. The project would consist of 5 dams varying in heights from about 20 feet to about 150 feet, across Big Rush (2 dams), Meadow, and Curly Creeks, to divert and store waters of these creeks; Meadows Reservoir, formed by Big Creek and Meadow Dams; three canals of one, three and one mile in length, to carry waters to Meadows Reservoir, to the forebay of Powerhouse No. 1 and into Powerhouse No. 1 "tailbay" a penstock at each powerhouse; Powerhouse No. 1, on Rush Creek, with a proposed installation of about 23,000 kilowatts; Powerhouse No. 2 on Lewis River, with a proposed installation of about 51,000 kilowatts; transformers and switching structures at both powerhouses, and appurtenant hydraulic mechanical and electrical facilities and miscellaneous project works.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C. in accordance with the Rules of Fractice and Procedure of the Commission (18 GFR 1.8 or 1.10) the time within which such petitions must be filed being specified in the rules. The last day upon which protests may be filed is September 19, 1955. The application is on file with the Commission for public inspection.

[SEAL]

J. H. GUTRIDE, Acting Secretary.

[F. R. Doc. 55-6651; Filed, Aug. 15, 1955; 8:51 a. m.]

[Docket No. E-6616]

NETLEY CORP. AND NIAGARA-MOHAWK POWER CORP.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY

AUGUST 10, 1955.

Notice is hereby given that on July 22, 1955, the Federal Power Commission issued its order adopted July 20, 1955, in the above-entitled matter, authorizing transmission of electric energy from the United States to Canada, and issuing a permit in Docket No. E-6615.

[SEAL]

J. H. GUTRIDE, Acting Secretary.

[F. R. Doc. 55-6652; Filed, Aug. 15, 1955; 8:51 a. m.]

[Docket No. E-6630]

SIERRA PACIFIC POWER CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF PROMISSORY NOTES

AUGUST 10, 1955.

Notice is hereby given that on July 21, 1955, the Federal Power Commission issued its order adopted July 20, 1955, authorizing issuance of promissory notes in the above-entitled matter.

[SEAL]

J. H. GUTRIDE, Acting Secretary.

[F. R. Doc. 55-6653; Filed, Aug. 15, 1955; 8:52 a. m.]

[Ducket Nos. G-8922, 8715]

PAISANO TRADING Co., LTD., ET AL.

MOTICE OF ORDERS EFFECTING RATE CHANGES

AUGUST 10, 1955.

In the matters of William Negley, d/b/a Paisano Trading Company, Ltd., et al., Docket No. G-8622; Harper-Turner Oil Company et al., Docket No. G-8715.

Notice is hereby given that on July 22, 1955, the Federal Power Commission issued its orders adopted July 20, 1955, making effective proposed rate changes upon filing of bond to assure refund of excess charges in the above-entitled matters.

[SEAL]

J. H. GUTRIDE, Acting Secretary.

[F. R. Doc. 55-6654; Filed, Aug. 15, 1955; 8:52 a. m.]

[Project No. 525]

PACIFIC GAS AND ELECTRIC CO.

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSE

AUGUST 10, 1955.

Notice is hereby given that on July 22, 1955, the Federal Power Commission issued its order adopted July 20, 1955, accepting surrender of license (Minor Part) and allowing credit for payment of annual charges in the above-entitled matter.

[SEAL]

J. H. GUTRIDE, Acting Secretary.

[F. R. Doc. 55-6655; Filed, Aug. 15, 1955; 8:52 a. m.]

# INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

AUGUST 11, 1955.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

LONG-AND-SHORT HAUL

FSA No. 30948: Scrap metals—Jackson, Miss., to St. Louis, Mo., and East St. Louis, Ill. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on non-ferrous scrap metals, namely battery plates (burnt out) and lead scrap, straight or mixed carloads from Jackson, Miss., to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 30949: Building and roofing material to Wyoming. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on building and roofing material, carloads from specified points in Illinois, Minnesota, and Missouri to specified points in Wyoming.

Grounds for relief: Market competition and circuity.

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Tariff: Supplement 74 to Agent Prueter's I. C. C, A-3991, supplement 149 to Agent Prueter's I. C. C. A-3748.

FSA No. 30950: Sulphurie and nitrating acid from St. Louis, Mo., group. Filed by W J. Prueter, Agent, for interested rail carriers. Rates on sulphuric and nitrating acid, carloads from St. Louis, Mo., and East St. Louis, Ill., to Des Moines, Iowa, and other points in Iowa on the Chicago, Rock Island and Pacific Railroad intermediate to Des Moines, Chariton to Carlisle, Iowa, inclusive.

Grounds for relief: Circuitous routes and grouping.

Tariff: Supplements Nos. 115 and 116 to Agent Prueter's I. C. C. A-3790.

FSA No. 30951. Iron and steel articles.—Official and W T. L. territories to Kansas. Filed by W J. Prueter, Agent, for interested rail carriers. Rates on iron and steel articles, carloads from origins in official and western trunk-line territories named or described in schedules listed below to destinations in Kansas named or described in the schedules listed below.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Original and supplement 1 to Agent Prueter's I. C. C. A-4106; supplements 6 and 8 to Agent Hinsch's I. C. C. 4650.

FSA No. 30952: Woodpulp—Foley, Fla., to Wisconsin. Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on woodpulp, not powdered, noibn, carloads from Foley, Fla., to Fond du Lac and Oshkosh. Wis.

Grounds for relief: Circuitous routes.

By the Commission.

[SEAL] HAROLD D. McCoy, Secretary.

[F. R. Doc. 55-6642; Filed, Aug. 15, 1955; 8:49 a. m.]

# RUBBER PRODUCING FACILITIES DISPOSAL COMMISSION

GR-S SYNTHETIC RUBBER PRODUCING FACILITY AT INSTITUTE, W VA.

INVITATION FOR PROPOSALS FOR PURCHASE

Pursuant to the Rubber Producing Facilities Disposal Act of 1953 (67 Stat. 408) (Act) and Public Law 336, 84th Congress, First Session, approved August 9, 1955, the Rubber Producing Facilities Disposal Commission announces that it will receive written proposals for the purchase of the GR-S synthetic rubber producing facility at Institute, West Virginia.

The Commission has recently sold to private industry 25 rubber producing facilities and leased a 26th. The Institute facility will, therefore, when sold, become part of a recently established private synthetic rubber industry.

A detailed descriptive brochure relating to the Institute facility may be obtained upon application to the Commission.

The Rubber Producing Facilities Disposal Act of 1953, and P L. 336, 84th Congress, First Session, prescribe in detail, as well as generally, procedural and substantive standards pursuant to which the disposal of the Institute facility is to be effected. To facilitate compliance with these standards the Disposal Commission has prepared Instructions for the Submission of Proposals which set forth the requirements of the Commission with respect to such proposals; copies thereof will be available upon application to the Commission.

Subject to the foregoing, the following additional information concerning the program of sale is announced:

GR-S Plant, Institute, West Virginia. This facility, designated Plancor 980, produces GR-S type synthetic rubber from butadiene and styrene. It has an annual capacity of 122,000 long tons and is presently in standby condition; it was last operated in September, 1953.

The Commission will receive proposals for the purchase of this facility. Such proposals shall be in writing and may be submitted at any time through October 7, 1955, at the office of the Commission, 811 Vermont Avenue NW., Washington 25, D. C.

As a condition to sale, the Commission is required to be satisfied that the prospective purchaser actually intends to operate the facility for the purpose of manufacturing synthetic rubber. The purchaser must also agree to comply with the terms of a "National Security Clause" having terms, conditions, restrictions and reservations which will assure the prompt availability of the facility, or a facility of equivalent capacity, for the production of synthetic rubber for a period of ten years from the date the facility is transferred to the purchaser.

Proposals for purchase shall provide for the payment of not less than 25 percent of the purchase price in cash; the unpaid balance may be financed by a first lien purchase money mortgage maturing in not more than 10 years and providing for periodic amortization (amortization in equal annual installments is not required) The interest rate upon the balance of the purchase price represented by the mortgage shall be 4 percent per annum.

Proposals for purchase shall be accompanied by a deposit of cash or United States Government bonds of face amount equal to 2½ percent of the gross amount proposed to be paid but not exceeding \$250,000. Except in the case of a purchaser, deposits shall be refunded without interest. In the case of a purchaser, deposit shall be applied without interest to the purchase price.

In the previous sales of the 25 other rubber producing facilities, the Commission used standard forms of contract applicable to cash and mortgage transactions. The same forms of contract will be used for the sale of the Institute facility. Copies of the contract forms

facility. Copies of the contract forms, which incorporate the full text of the National Security Clause, are available upon request from the Commission.

During a period of not to exceed 75 days following the termination of the period for the receipt of proposals, the Commission will negotiate for the sale of the Institute facility with those who have submitted proposals. Such negotiations will be conducted with due regard to the several purposes of the act, that the disposal of the facility best foster the development of a free competitive synthetic rubber industry, afford small business enterprises and other users the opportunity to obtain a fair share of the end product of the facility and at fair prices, be consistent with national security and realize full fair value for the facility, taking into consideration the policy set forth in section 2 of the act.

Dated: August 15, 1955.

HAROLD W SHEEHAN, General Counsel and Acting Secretary, Rubber Producing Facilities Disposal Commission.

[F. R. Doc. 55-6662; Filed, Aug. 15, 1955; 8:53 a. m.]